provement Association, all of San Francisco, Cal., favoring House bill 5139, the Hamill civil-service retirement bill; to the Committee on Reform in the Civil Service.

Also, petition of San Francisco Camp, No. 4, National Indian War Veterans, favoring the passage of House bill 15402, Keating bill, to place Indian war veterans who served from 1865 to 1891 on the regular Indian war veteran pension roll of earlier date; to the Committee on Pensions.

Also, petitions of George F. Muench, Dietrich Krause, E. J. Weaver, A. C. Schmidt, and Johanne Kruse, of El Monte; George Hess, Charles H. Guenther, C. F. Guenther, and William H. Guenther, of Pasadena, Cal., favoring the adoption of House joint resolution 377, to prohibit the shipment of munitions of war to the belligerent countries of Europe; to the Committee on Foreign Affairs.

By Mr. BRITTEN: Papers to accompany bill for pension to Sallie E. Gilkeson; to the Committee on Invalid Pensions.

By Mr. BURKE of Wisconsin: Petitions signed by John Rogles, William Behling, jr., and 76 other citizens of the city of Watertown, Wis., asking for the passage of Senate bill 6688, or any similar measure, to levy an embargo on all contraband of war, save foodstuffs only; to the Committee on Foreign Affairs.

By Mr. CRAMTON: Petitions of John Graf and 48 others, of Unionville; G. F. Wacker and 133 others, of Pigeon; Henry Gebhardt, of Minden City; F. P. Gerlach and 29 others, of Macomb County; Adolf Matthes, of Sebewaing; Charles Pagel and John Pagel, of Sandusky; and William F. Junke, of Goodrich, all in the State of Michigan, in support of House joint resolution 377, proposing to prohibit exportation of arms, etc.; to the Committee on Foreign Affairs.

By Mr. DALE: Petition of Gas Engine & Power Co. and Charles L. Seabury & Co., protesting against the passage of the Alexander bill (H. R. 18666); to the Committee on the Merchant Marine and Fisheries.

By Mr. DANFORTH: Petition of Mr. Fr. Bruckmaier and 25 others, of Attica and Batavia, N. Y., protesting against violations of the spirit of neutrality in connection with the war in Europe; to the Committee on Foreign Affairs.

Also, petition of Knights of St. Theodore, Rochester, N. Y., against export of arms to Europe; to the Committee on Foreign Affairs.

By Mr. DILLON: Petition of citizens of Hutchinson County, S. Dak., favoring House joint resolution 377, to forbid export of arms; to the Committee on Foreign Affairs.

By Mr. DIXON: Petition of 140 business men of fourth congressional district of Indiana, favoring House bill 5308, to tax mail-order houses; to the Committee on Ways and Means.

By Mr. DONOHOE: Memorial of Manufacturers' Club of Philadelphia, relative to amendment to the present tariff laws; to the Committee on Ways and Means.

By Mr. ESCH: Memorial of Evangelical Lutherans of St. Peters congregation, Dorchester, Wis., and George A. Walz and 245 other citizens of Norwalk, Wis., urging legislation to prohibit the exportation of war materials from the United States; to the Committee on Foreign Affairs.

By Mr. GILMORE: Petition of civilian clerks of the Quartermaster Corps, favoring the passage of Senate bill 6882; to the Committee on Military Affairs.

Also, memorial of Boston (Mass.) Marine Society, protesting against the passage of House bill 18666; to the Committee on the Merchant Marine and Fisheries.

By Mr. GRAHAM of Pennsylvania: Petition of the Pennsylvania Arbitration and Peace Society, relative to strict neutrality by the United States; to the Committee on Foreign Affairs.

By Mr. GREENE of Vermont: Memorial of Bennington (Vt.) Board of Trade, urging passage of House bill 19434, for the improvement of the Narrows of Lake Champlain; to the Committee on Rivers and Harbors.

By Mr. KONOP: Petition of citizens of Appleton, Wis., and of the ninth congressional district of Wisconsin favoring House joint resolution 377, to forbid shipment of arms to Europe; to the Committee on Foreign Affairs.

By Mr. LIEB: Petitions of W. Ed Mathis, Joseph Schaefer, John F. Land, John F. Baker, A. H. Kattman, John P. Miedreich, Clarence F. Whiting, Carl P. Grimmeissen, C. A. Lefler, Albert F. Horn, John H. Borgman, John Hudson, Philip A. Hoelscher, E. J. Miller, Edward M. Schaefer, A. C. Richardt, William E. Wilson, Louis H. Moser, John F. Richardt, John A. Schaefer, Carl Lauenstein, George J. Stockmeyer, Peter Hass, Oscar E. Rahm, Harry C. Dodson, W. E. Willis, William P. Miedreich, Sidney Craig, Charles F. Forster, A. L. Rose, Henry Bernhardt, all of Evansville, Ind., and L. T. Freeland, of Princeton, Ind., favoring Hamill bill for retirement of aged and infirm Government employees; to the Committee on Reform in the Civil Service.

Also, petitions of Charles H. Bohrer and George Kuntzman, of Boonville; Anton G. Jochim, of Mariah Hill; Rev. C. G. Kettelhut, of Mount Vernon; and the St. Joseph's Society, by George Bischof, president, and Engelbert Schnellenberger, secretary, of St. Meinrad, all in the State of Indiana, in favor of legislation to prohibit the shipment from the United States of munitions of war to a belligerent nation; to the Committee on Foreign Affairs.

By Mr. LINDBERGH: Petition of citizens of Paynesville, Minn., protesting against the shipment of arms to the warring nations; to the Committee on Foreign Affairs.

Also, petition of citizens of Bertha, Minn., protesting against shipment of arms to warring nations; to the Committee on Foreign Affairs.

Also, petitions of citizens of Cass Lake, Clear Water, South Haven, Elrosa, and Pierz, Minn., protesting against the shipment of arms and munitions of war to warring nations; to the Committee on Foreign Affairs.

By Mr. MAGUIRE of Nebraska: Petition of 57 citizens of Lincoln, Nebr., favoring passage of House joint resolution 377, relative to export of war material by the United States; to the Committee on Foreign Affairs.

By Mr. MAPES: Petitions of citizens of Grand Rapids, Mich., favoring the passage of House joint resolution 377, relative to shipment of war material by the United States; to the Committee on Foreign Affairs.

By Mr. J. I. NOLAN: Resolutions of the Petaluma Central Labor Council, of Petaluma, Cal., favoring the passage of H. R. 5139, to provide for the retirement of superannuated civil-service employees; to the Committee on Reform in the Civil Service.

Also, resolutions of three fraternal organizations in the city of San Francisco, Cal., comprising a membership of 450 citizens, favoring the passage of H. R. 5139, to provide for the retirement of superannuated civil-service employees; to the Committee on Reform in the Civil Service.

By Mr. REILLY of Wisconsin: Petition of Men's Bible Class of Oshkosh, Wis., 900 names, asking for the passage of H. R. 377, relative to shipment of war material; to the Committee on Foreign Affairs.

By Mr. SINNOTT: Petition of Baker County (Oreg.) Union of the Farmers' Educational and Cooperative Union of America, favoring rural credit legislation; to the Committee on Agriculture.

By Mr. J. M. C. SMITH: Protest of Coldwater Council, No. 452, United Commercial Travelers, of Coldwater, Mich., against advancing passenger rates by railroads; to the Committee on Interstate and Foreign Commerce.

Also, petition of Adam Ehrman and 171 citizens of Kalamazoo, Mich., favoring S. 6688, to prohibit sale of arms and ammunition to belligerent nations; to the Committee on Foreign Affairs.

By Mr. SMITH of New York: Petition of Bethel Baptist Church, of Buffalo, and Federation of German Catholic Societies of Buffalo, N. Y., favoring passage of resolution to prevent shipment of war material to Europe; to the Committee on Foreign Affairs.

By Mr. VOLLMER: Petition of St. Boniface Society, of Lyons, Iowa, favoring passage of House joint resolution 377, prohibiting the export of war materials; to the Committee on Foreign Affairs.

## SENATE.

SATURDAY, *January 16, 1915.*

*(Legislative day of Friday, January 15, 1915.)*

The Senate reassembled at 11 o'clock a. m., on the expiration of the recess.

Mr. SMOOT. Mr. President, there are only half a dozen Senators in the Chamber. I therefore suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

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|---|---|---|---|
| Bankhead | Hughes | O'Gorman | Smoot |
| Brady | James | Owen | Sterling |
| Bryan | Johnson | Page | Swanson |
| Burleigh | Jones | Perkins | Thomas |
| Burton | Kenyon | Ransdell | Thompson |
| Chamberlain | Kern | Robinson | Thornton |
| Clark, Wyo. | La Follette | Saulsbury | Vardaman |
| Culberson | Lane | Shafroth | Weeks |
| Dillingham | Lea, Tenn. | Sheppard | White |
| Fletcher | Lippitt | Shively | Works |
| Gallinger | Lodge | Simmons | |
| Hitchcock | McLean | Smith, Ga. | |
| Hollis | Nelson | Smith, Md. | |

Mr. LANE. I wish to announce that the Senator from Minnesota [Mr. CLAPP] and the Senator from Arizona [Mr. ASHURST] are unavoidably detained on business of importance.

The VICE PRESIDENT. Forty-nine Senators have answered to the roll call. There is a quorum present.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House had passed a bill (H. R. 4899) to fix the standard barrel for fruits, vegetables, and other dry commodities, in which it requested the concurrence of the Senate.

ENROLLED BILL AND JOINT RESOLUTION SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bill and joint resolution, and they were thereupon signed by the Vice President:

H. R. 6060. An act to regulate the immigration of aliens to and the residence of aliens in the United States; and

H. J. Res. 234. Joint resolution directing the selection of a site for the erection of a statue in Washington, D. C., to the memory of the late Maj. Gen. George Gordon Meade.

DISTRICT OF COLUMBIA APPROPRIATIONS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 19422) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1916, and for other purposes.

The VICE PRESIDENT. The pending question is one which has an aspect to it wholly disassociated from the question of the proposed amendment. It is a new question in the Senate of the United States. It may arise again. If there is no objection, the Chair would like to read into the RECORD, not for the purpose of controlling the conduct of Senators nor for the purpose of influencing the vote but as a matter of information, if the question should ever arise again and this RECORD is looked up, that Senators may have all the light and information on the subject, an excerpt from a new work on parliamentary law prepared by Thomas B. Neely, of the Methodist Episcopal Church. If there is no objection, the Chair would like to put it in simply as a matter of information for the future use of the Senate of the United States.

Mr. SMOOT. Would the Chair object to the Secretary reading it at this time?

The VICE PRESIDENT. The Chair is simply asking permission of the Senate to have what Mr. Neely says upon the question of the suspension of the rules put in the RECORD, not for the purpose of controlling this question but that if it arises in the future Senators may have the document at hand to discuss the question.

Mr. SIMMONS. Mr. President——

Mr. SMOOT. I should like to have the Secretary read it, if the Chair does not object.

The VICE PRESIDENT. The Chair wanted to read it, if there was no objection.

Mr. SIMMONS. I was just going to supplement the suggestion of the Senator from Utah by saying that it might well be read to us in the consideration of the particular matter now pending.

The VICE PRESIDENT. The Chair will read it. There has just been issued a work by Bishop Thomas B. Neely, of the Methodist Episcopal Church——

Mr. SIMMONS. I do not mean to suggest that the Chair read it, but that the Secretary read it. Of course the Chair can read it, if he likes.

The VICE PRESIDENT. The Chair prides himself on his reading qualities.

Mr. SIMMONS. I know the Chair is a good reader.

The VICE PRESIDENT. This is what the author has to say on the suspension of the rules:

> Sometimes the regular rules of the body interfere with the transaction of business desired by the House at a particular moment, and the House invokes a method of temporarily suspending the force of a particular rule until the matter in question is presented, considered, and acted upon. Then the rule immediately comes into force again.
>
> The difficulty is met by moving the suspension of the obstructing rule. This is done by a Member securing the floor and saying, "I move to suspend the rule (or rules)," specifying the rule or rules intended, or by saying, "I move the rule (or rules) be suspended."
>
> The motion can not be debated, and can not be amended or have any subsidiary motion applied to it. For example, it can not be laid on the table or postponed indefinitely. A vote on the motion can not be reconsidered. In Congress a motion to suspend the rules for the same purpose can not be renewed the same day; in ordinary societies it may be renewed after an adjournment, though the next meeting be held the same day. It is not in order when the body is acting under a suspension of the rules. Neither is it while the previous question is operating. Deliberative bodies usually state in their code of rules what vote is necessary to suspend the rules, and provide that it shall exceed a mere majority; for example, that it shall be two-thirds or three-fourths. The common usage is to require a two-thirds vote.
>
> The rule in the United States House of Representatives is that "No rule shall be suspended except by a vote of two-thirds of the Members voting, a quorum being present."
>
> Some have held that unless the rules of the body provide for their own suspension they can not be suspended unless by general or unanimous consent, but the common practice is to permit the suspension of a rule by a two-thirds vote.
>
> Good judgment should be used in introducing the motion to suspend, for its too frequent use tends to the destruction of the binding force of the rules. If the rules are suspended on any or every pretext, they practically cease to be rules.

Mr. SHEPPARD. Mr. President, I think it is proper to call attention to the fact that the author does not state the entire condition in the House of Representatives.

The VICE PRESIDENT. The Senator from Texas will understand that the Chair is not taking any part in the discussion nor trying to influence the vote or to make an argument; but this being a new work on parliamentary law, he is simply putting it into the RECORD, so that hereafter Senators may know where to find it.

Mr. SHEPPARD. I understand that. I wanted to call attention to the fact that in the House of Representatives——

Mr. JAMES. Regular order, Mr. President.

The VICE PRESIDENT. The Senator from Texas has the right to proceed, in view of what the Chair did.

Mr. SHEPPARD. The Senator from Kentucky is pursuing the same revolutionary tactics that have characterized his side of this matter all the way through.

Mr. JAMES. I am pursuing no revolutionary tactics at all. I call for the regular order, which I have always understood under the rules of the Senate is perfectly legitimate. I do not think the Senator from Texas ought to be quite so touchy when the rules are invoked.

Mr. SHEPPARD. Yes; but the Senator does not show a spirit of fair play; that is what I intended to say.

Mr. JAMES. I am showing a public spirit of fair play, because I want to go to a discussion of the question.

The VICE PRESIDENT. Just one moment.

Mr. SHEPPARD. A matter has been introduced here which purports to sustain one side of a question before this body, and it is not fair play to deny me the privilege of answering. I have a right——

The VICE PRESIDENT. Just a moment. Language of that kind can not be permitted in the Senate of the United States.

Mr. SHEPPARD. Mr. President, what language?

The VICE PRESIDENT. A Senator can not impugn the motives of another Senator. It is an absolute violation of the rules of the Senate. This is not a question to get mad about, but it should be considered in good humor. The Senator from Texas will proceed.

Mr. SHEPPARD. There has been no language used on my part——

The VICE PRESIDENT. The pending question, of course, is the question to agree to the report of the Committee on Rules.

Mr. SHEPPARD. I rose——

The VICE PRESIDENT. The Senator from Texas has a perfect right to proceed and say what he wants to say.

Mr. SHEPPARD. Mr. President, I have not questioned the motive of any Senator. I have intended to exhibit no anger. There was placed in the RECORD here a statement from an authority on parliamentary law to the effect that in the House of Representatives the suspension of the rules requires a two-thirds vote. That is only partially true. The Committee on Rules in the House of Representatives may bring in a report suspending any rule, and it requires only a majority vote to adopt the report of the Committee on Rules.

I had no intention whatever of displaying any feeling in this matter. I have the highest respect and the kindest feeling for every Senator on this floor.

Mr. JONES. If the Senator from Texas will permit me, I wish to suggest that the rule of the House of Representatives referred to is not a rule based on common practice, but upon an express rule of the House adopted by the House itself.

Mr. JAMES. Mr. President, it seems to me that this question has already been settled by the Senate of the United States upon a roll call. It is now of record; and the Senator from Texas and the Senator from Washington entirely overlook the strong statement in this book upon parliamentary law, which is that it takes in legislative bodies usually two-thirds to suspend the rules. That is the common practice, and that is what this author on parliamentary law says.

Whatever may have been his opinion or the opinion of any other writer on parliamentary law, the Senate itself has already determined that question. I do not see any necessity for anyone to get mad about it or to get mad because something is

submitted to the Senate that goes to show the wisdom of the Senate in its former action.

Mr. GALLINGER. Mr. President, addressing myself to the motion before the Senate, I desire simply to say that we are getting a good deal of instruction on parliamentary law during this debate. A few days ago a Member of this body read into the RECORD the views of the author of a book called Robert's Rules of Order, which book is usually employed in debating societies, in women's clubs, in our public schools, and in some religious gatherings. It is not recognized as an authority at all on parliamentary law anywhere on earth. Now a bishop has given us some instruction about this matter, and he has not seemed to address himself to the rules of the Senate, but, rather, to the rules of the House of Representatives. It occurs to me that we are capable of making our own rules which are designed to govern this body.

In common with every other Senator I yield to the decision of the Senate made the other day, although it was in direct contravention to the rule that is written in our code, which does not require a two-thirds vote or a three-fourths vote, but simply states that the rules can be suspended upon motion if a certain procedure is adopted. But the Senate has decided the matter, and of course we are bound to obey the mandate of the Senate. However, I do not think we will get much enlightenment from reading into the RECORD the opinion of outside parties, who presumably know less about our rules than we do ourselves.

The VICE PRESIDENT. If the Senator from New Hampshire objects, the Chair will strike it out.

Mr. GALLINGER. I do not object at all, Mr. President. On the contrary, I am very glad to have it go into the RECORD for what it is worth.

Mr. OWEN. Mr. President, I wish to have it appear in the RECORD that while the Senate did determine this question and therefore it will require now by that determination of the Senate a two-thirds vote, at the same time it should be also remembered and observed that the Senate's mandate on this question fixing a two-thirds vote in this instance was a majority vote of the Senate, a majority vote which could now be reconsidered if the Senate chose to do so and by a majority vote revoke the two-thirds rule required in this instance. Therefore the rule of the Senate, in fact, is a majority rule, after all.

Mr. LANE. Mr. President, on yesterday I called attention to some errors in certain statistics; but I find that the Reporter has left out a couple of words which change the meaning of what I said. I was calling attention to the fact that one of the large Government penal institutions is located in Kansas and that citizens from other States are confined there temporarily and perhaps counted in as a part of the criminal population of Kansas. I said there were perhaps some from Nebraska, also some that had gone from other States of the Union, and some from Oregon, a fact which I knew, for the reason that I had been interested in times past in getting them released from there. The Reporter made it read that I had been interested in getting some of the citizens of Oregon incarcerated therein. I should not like to have that statement go back home, for I did not make it and it is contrary to the facts.

I wish to say something along the line which was suggested by the Senator from Mississippi [Mr. WILLIAMS] yesterday, but from a little different angle, upon the proposition of prohibiting the sale of liquor in the Capital City of the Nation, or anywhere else for that matter. The Senator was quite right and he spoke the truth when he said that the use of alcohol never benefited anyone. It never did, and it never will. I have come to that conclusion quite independently of any personal predilections on the subject. It has been forced upon me in the practice of my profession that alcohol has no food value whatever and also that it has no value as a remedy for disease. It is not a good stimulant, and about the only thing that alcohol is good for is to get drunk on. I guess that has been proven by the experience of mankind from the earliest times, and that is the principal reason, if any does exist, for its use as a beverage. It has the faculty of lowering the physical vitality, and, for that matter, the mental and moral tone of any and all persons who use it. It does so inevitably. There is no man with a constitution strong enough or with nerves hardy enough to resist its action. There never was one and there never will be. That has been tested and found out in all countries where men are compelled to place great strains upon their physical endurance.

In the interior of Alaska where the temperature goes down to 50 or 60 degrees below zero, and 70 and 80 degrees below zero, for that matter—though that is not so common—they do not allow anyone going out upon a long trip upon the trail to take liquor of any kind with him. If a man is met with upon the trail with whisky, or if it is ascertained that he has whisky with him, it is taken away from him and the bottles are broken. They do not do that out of any feeling of kindliness for him particularly, but they have found, and from experience, that it is necessary to do so, for the reason that under the influence of whisky a person loses his finer sensibilities, and his feelings become benumbed, and such a man on the trail will take chances which he otherwise would not take. If his feet or his hands become frozen, the whole expedition is tied up in taking care of him. It may be that the lives of others are risked and even lost through the fact that they have to stop somewhere on the trail without proper food supplies to care for this person who has foolishly allowed himself to become a derelict upon their hands. So they go right through his pack, and if he has whisky or alcohol, they take it away from him and break the bottle. For his sake and for their own protection it is necessary to do this act of prohibition. So it has been well proven that it is not safe for a man to undertake the hardships or the great strains which are placed upon him in that climate if he uses liquor while doing so.

In hot climates it is the same. Stanley would not permit anyone to go with him upon his expeditions through Africa who used either liquor or tobacco in any form. He found such men were not able to keep up with the expedition; that they hampered it. That is the truth of it. There is no prize fighter, a man who has to exert every ounce of his strength in his contest, who dares to drink liquor during his training period, or can afford to do so, or, if he is in the habit of doing so, he soon loses out. It is the same way with foot racers or any athletes upon whom a strain or test is put. I think there can be no question about these statements. Alcohol does no good; it is of absolutely no use on earth so far as that use is a beneficial one to mankind as a beverage, and it has no just claim upon anyone.

One Senator said yesterday that he had a great deal of respect for alcohol, for the reason that out of wheat and corn and rye and grapes, those very necessary products of the earth, which are beneficial to mankind, you could stew and brew whiskies and wines. That is true; so you can. I was going to say—I did not like to interrupt him at the time—that you can make a stronger drink, one that will make the drunk come quicker and last longer, out of potatoes and brown sugar, and the Indians do it in Alaska. They call it hoockinoo; and it is a much cheaper drink and fully as abiding, and one does not have to use wheat nor grapes nor rye to make it.

I think the idea which the same Senator presented here—and I have a great deal of respect for him—that prohibition is, in a measure, an economic question, is true. I do not think that those who wish to prohibit the use of alcohol and put the saloons off the face of the earth will be entirely fair if they do not substitute some place for them, some resting place, some place where a stranger, a man who is tired, who is beaten by the storms of winter, may go in and sit down by a fire and rest himself and be made welcome. That is why the saloon makes its way with the unfortunate people in this world. It is for the reason that it affords a sort of resting place for tired and homeless men. I think it is up to society to provide such places to replace the saloon. I am now, and have long been, of the opinion that the churches of the country should not be closed for six days in the week. For six days and nearly every night in the week, if you go by them, you will find their doors are closed to the homeless stranger; they are dark; they are gloomy; they look cheerless and unfriendly. It has always been my opinion that if you wish to drive the saloon out of business you should build a good fire in each church, and perhaps in every schoolhouse, and make men welcome there, and invite them to come in and sit down and take a rest, and entertain them in some useful and harmless way. I think we owe that to the men who now seek solace and a refuge in the saloon.

I think also an economic question is involved in another way. The man who undergoes the hardships of the world, the hard-working man, the man whose position is not too secure, who has no large means at his disposal to take care of him in the later period of his life, or even temporarily, perhaps in many cases to bridge him over immediate necessities, is the man who does the drinking. He is also the man who goes insane, for the reason that the trials of life bear down hard upon him and disturb his equilibrium, nervous, mental, as well as physical, and he becomes the wreck of society. Therefore he should be offered some substitute, whether the saloon is abolished or not.

I do not think that alcohol is the direct cause of a large percentage of insanity. I do not think that tables of statistics, if carefully examined and analyzed, will show that it is the old alcoholic, the chronic drunk, who, as a rule, goes insane. He becomes a hobo; he becomes a nuisance; he is the cause of misery to his family and to his children; he makes his wife

unhappy and is the cause of their not having enough food to eat and clothing to wear; he may become shattered physically, but, as a rule, he does not become insane. After he quits drinking, as a rule he resumes his normal mental condition and lives along without becoming insane. I do not think much of statistics which try to prove that he furnishes the largest proportion of the inmates of insane asylums; for the reason that my experience is to the contrary.

I have not much confidence in statistics such as were quoted here yesterday to the effect that the reason why one State will have a larger number of insane than another is due to the use of alcohol or the abstention from alcohol. For many years it has been noted that such States as New York, which is the port of entry for the largest number of people who come to this country from foreign lands, and is the mecca for a large number of the people of this country who wish to live in a large city, have a larger number of insane people than the States which do not offer such inducements or which do not appeal so strongly to the restless and the ambitious. On the Pacific coast the city of Seattle, the city of Portland, Oreg., the city of San Francisco, and the States of Oregon, California, and Washington will show a larger percentage of insane commitments in proportion to population than will the Middle States, such as Ohio and Iowa, for the reason that it is the restless who work their way across the continent to the far Pacific coast in the hope of bettering their condition. Men and women who are mentally unbalanced as well as those who are restless find their way to such sections, the first class perhaps fleeing from imaginary persecution, and after arriving there break down from one cause or another, such as a failure of their hope of making money, and such communities have to take care of them. So it may be that the difference between the State of Kansas and the State of Nebraska in the proportion of insane is due to some such controlling influence or factor as that, Kansas having offered greater opportunities than Nebraska, being a State which has opened up its resources in the last few years and risen from a condition where it was known as one of the poorest States in the Union—it was so known when I was a young man—until now it has arrived at the distinction of being one of the richest States in the Union, has attracted into its borders men and women from all over the country who would have gone insane if they had stayed at home. As I have said, it is the restless, discontented person who goes insane. It is not the placid, self-satisfied person of sure income, who rests at ease in his home, who ordinarily goes insane. The percentage of insanity among persons of that class is much less than it is among the more eager, among those less satisfied with the conditions which prevail about them.

Alcohol goes directly into the circulation. It does not remain in the alimentary canal; it is not digested; it enters immediately into the blood and thence makes its way directly to the nerve centers. The result of taking it into the system is that it accelerates the action of the heart, not by stimulating it, perhaps, but by opening up the arteries and the veins, and the heart gets into a state of fluttering activity, not a firm tonic action, but a tremulous one, in its attempt to feed the enlarged blood vessels. It was worked out a number of years ago by a medical gentleman that one drink of whisky taken, say at bedtime—the "nightcap" of our forefathers—will accelerate the action of the heart, say, 30 beats in the minute. The heart carrying a half ounce of blood at each beat, there would be nearly a pound of blood each minute, 60 pounds an hour, added to the duty of the heart; and in 8 or 10 hours it would amount to an enormous weight, an enormous additional labor put upon an organ which was already being deprived of its proper nerve tone. The necessary result was that in the morning the man who was in the habit of taking a "nightcap" or going to bed pretty well soused, rose the next morning with a dark-brown taste in his mouth and a consuming thirst for much cold water.

The action of alcohol in the system is direct and it goes not only into the circulation of the general system, but much of it finds its way immediately to the kidneys. It is notorious, having been known to medical men and other observers for years and years, that the man who drinks regularly suffers from kidney disease more frequently than does the average man who does not use alcohol. It has been ascertained, too, that it goes directly to the liver, which is one of the digestive organs; so that the man who keeps himself pretty well soaked with whisky or with any other stimulant of an alcoholic nature for a reasonable time is very liable to have hardening of the tissues of both the kidneys and the liver. It does not always result in direct hardening, but it does produce destructive processes in those organs.

There is no good in the use of it; there is no argument which can be made in its behalf, so far as any benefit to be derived from it by human kind. It is an outlaw; it is a curse; and yet I think, as does my friend from New Jersey [Mr. MARTINE], that there are other concomitant conditions also which it is equally our duty to relieve, such as the condition of unjust economic distress among the poor, who are the ones who use it most freely and disastrously. We owe it to ourselves to provide relief for them. If we did so, there would be less drunkenness among men. In the last analysis, that method is perhaps the only one that will cure the curse of the country. On the other hand, however, there is no good word which can truthfully be said in behalf of the use of alcohol.

I think my friend, the Senator from Mississippi [Mr. WILLIAMS], is mistaken if he thinks that alcoholic drinks derived from the grape, the fermented liquors in contradistinction to those that are distilled, are less harmful. It is my opinion that he is decidedly mistaken. The Englishman and the Scotchman and those people of Europe who drink heavy port wines are, I think, killed off as quickly, and I think more quickly, than those who confine themselves to the use of pure whisky.

If a person is going to drink at all, if he wants to get drunk, if he desires a stimulant, as a physician who has practiced medicine nearly 40 years I would say to him, "Get good, pure whisky. Leave wines and beers out. You will last longer and do yourself less harm, and the result will come cheaper to you in the long run. It is a matter of economy. If you really wish to use alcohol and get the effects from it without any subterfuge or fooling about, it is the safest drink of all."

I say this in order that those who are going to continue the use of it may have the advantage of my study on this subject. If they want a straight, unadulterated liquor upon which to get drunk, let them use pure alcohol, cologne spirits, the alcohol itself diluted with water. You will all do better to stick to plain whisky or pure alcohol rather than to go fooling around with high wines.

Yesterday some reflections were made upon the State of Georgia and the State of South Carolina for having passed laws forbidding the sale and the use of alcoholic drinks, and yet were unable to keep certain enterprising gentlemen dropping in from other States, men with a keen nose for the article, from finding it. [Laughter.]

For the benefit of the residents of those States, I would suggest that they adopt the method of the Eskimos to protect their food supplies from the ever-hungry malemute dogs, which is to cache it on a paltform about 20 feet above ground. By doing this enterprising and thirsty visitors from other States would have to seek their solace in the open and by means of a ladder.

Mr. THOMAS. Mr. President, we are about midway in the short session of the Sixty-third Congress. It began on the 4th of December, 43 days ago. It will end on the 4th of March, 46 days hence. We have therefore exhausted, inclusive of Sundays, 43 days in the consideration of important business, and we have, not excluding Sundays, 46 days remaining, during which period of time we must enact, if at all, the 14 remaining appropriation bills.

But one of them has been passed. Another is before the Senate, which should, and but for this resolution would, have been passed days ago. We have been considering for, I think, four days, in the midst of these important and unavoidable duties, the question of suspending a rule of the Senate by a process which, I understand, was invoked last some fifty-odd years ago, to the end that a subject which, however important in itself, is not germane to the substance of the bill, may be made a part of it, and either enacted into law or rejected.

If we establish this precedent, it can and will be invoked in behalf of other measures which, in the minds of Senators, may be quite as important as this, but which may be equally foreign to the subject matter of the measure under discussion.

Mr. President, I protest that we have halted the business, the pressing business, the real business, the important business of this session long enough in our discussion of an attempt to suspend a rule for a particular purpose. Four days, this day included, will have been exhausted—I had almost said wasted—in debating a matter that should not have been injected into the business of this important session, and fully 75 per cent of that time has been exhausted upon this side of the Chamber, where at present the responsibility for the enactment of legislation rests.

Mr. President, I shall vote against this motion, because I do not think the rule ought to be suspended now, of all times, and because I am satisfied that, however important the subject matter under discussion may be, we would, by suspending the rule, set a precedent that will surely be at once invoked in behalf of other matters, and as a result the 4th of March would come and find us where we are at present.

I think under the circumstances, in view of the magnitude of our task, that ordinary rules of business procedure require that we should vote upon this matter now, get it behind us, take up and pass this appropriation bill, and then proceed to the next important subject of urgent legislation.

Mr. WALSH. Mr. President, I desire to say a word along the line just pursued by the distinguished Senator from the State of Colorado [Mr. THOMAS].

The question before the Senate does not present at all the merits of the question whether prohibition shall or shall not prevail in the District of Columbia. The question before the Senate is whether a rule of the Senate shall be suspended in order that the amendment offered by the Senator from Texas [Mr. SHEPPARD] may be considered in connection with the District of Columbia appropriation bill.

That rule reads as follows:

No amendment which proposes general legislation shall be received to any general appropriation bill, nor shall any amendment not germane or relevant to the subject matter contained in the bill be received.

Confessedly, this amendment is neither germane nor relevant to the bill to which it is addressed. If it were, there would be no need to suspend the rule.

The wisdom of this rule is so obvious, the evils against which it is intended to guard are so pronounced, that the people of the various States of the Union, in establishing their constitutions, respectively, have, almost without exception in the last 30 years, in the case of those that have been framed within that period—and I might say within the last 50 years, put an absolute inhibition upon their legislatures in the matter of amendments to bills of this kind.

I read from a note to Cooley's Constitutional Limitations, as follows:

The constitutions of Minnesota, Kansas, Maryland, Kentucky, Nebraska, and Ohio provide that "no law shall embrace more than one subject, which shall be expressed in its title." Those of Michigan, New Jersey, and Louisiana are similar, substituting the word "object" for "subject." The constitutions of South Carolina, Alabama, Tennessee, Arkansas, and California contain similar provisions. The constitution of New Jersey provides that "to avoid improper influences which may result from intermixing in one and the same act such things as have no proper relation to each other every law shall embrace but one object, and that shall be expressed in the title." The constitution of Missouri contains the following provision: "No bill (except general appropriation bills, which may embrace the various subjects and accounts for and on account of which moneys are appropriated, and except bills passed under the third subdivision of section 44 of this article) shall contain more than one subject, which shall *be clearly* expressed in its title." The exception secondly referred to is to bills for free public-school purposes. The constitutions of Indiana, Oregon, and Iowa provide that "every act shall embrace but one subject and matters properly connected therewith, which subject shall be expressed in the title; but if any subject shall be embraced in an act which shall not be expressed in the title, such act shall be void only as to so much thereof as shall not be expressed in the title." The constitution of Nevada provides that "every law enacted by the legislature shall embrace but one subject and matters properly connected therewith, which subject shall be briefly expressed in the title." The constitutions of New York and Wisconsin provide that "no private or local bill which may be passed by the legislature shall embrace more than one subject, and that shall be expressed in the title." The constitution of Illinois is similar to that of Ohio, with the addition of the saving clause found in the constitution of Indiana. The provision in the constitution of Colorado is similar to that of Missouri. In Pennsylvania the provision is that "no bill except general appropriation bills shall be passed containing more than one subject, which shall be clearly expressed in its title."

When the people who framed the constitution for my State were engaged in that work, they were so deeply impressed with the necessity of placing a restraint upon the legislature in this matter that they likewise adopted a provision that no bill whatever should contain more than one subject, and that that should be expressed in the title.

Mr. SHEPPARD. Mr. President——

Mr. WALSH. Just a word further. Thus, Mr. President, the people of my State recorded themselves as believing that there never would arise an occasion so grave, so urgent, that this salutary rule should be departed from; and thus they laid an absolute inhibition upon the legislature, no matter what contingencies confronted it, from enacting legislation of this character.

Mr. SHEPPARD. Mr. President, may I ask the Senator a question?

Mr. WALSH. Certainly.

Mr. SHEPPARD. Does he think Rule XL ought to be repealed altogether?

Mr. WALSH Why, no; Rule XL ought not to be repealed at all; but Rule XL ought never to be suspended in order that two different and wholly unrelated subjects may be united in the same bill.

Mr. SHEPPARD. Mr. President——

Mr. WALSH. Just a minute; I shall be glad to give way to the Senator in a minute.

Mr. President, it is needless to review the reasons that have thus forced the inclusion of this provision in the constitutions of so many of our States; but let me attempt to elucidate one that forces itself upon the attention of everyone who considers the subject. I undertake to say, in view of the earnestness exhibited by the Senator from Texas, for whom we all have so great a regard, in favor of this amendment which he has offered, that it does not make any difference what appropriations may creep into the District appropriation bill; he will vote for the bill if his amendment is carried. On the other hand, the Senator from Kentucky [Mr. JAMES] has exhibited such antagonism to this amendment that if it should be added to this bill, no matter how wise all the other provisions of the bill may be, he will vote against it.

I have no idea how the Chief Executive of this Nation feels about this matter. He may be as earnest in advocacy of prohibition in the District of Columbia as is the Senator from Texas or he may be as earnest in his resistance to it as the Senator from Kentucky. If the bill goes to him carrying this amendment and it meets his disapproval, he is coerced into signing the bill notwithstanding, or he must veto the bill, in which case an extra session will be necessary for the consideration of an appropriation bill for the District of Columbia in order to provide funds to carry on the government here. On the other hand, if he is in favor of this amendment as earnestly as is the Senator from Texas we may expect that he will give his approval to the bill, although it contains appropriations or provisions in relation to some that are condemned by his best judgment. In other words, he may be forced to sign a bill a most important provision the unwisdom of which he is convinced.

Mr. VARDAMAN. Mr. President——

Mr. WALSH. I agreed to yield to the Senator from Texas.

Mr. SHEPPARD. I had not moved to suspend Rule XL.

Mr. WALSH. I understand. Mr. President; but the Senator has moved, under Rule XL, to suspend paragraph 3 of Rule XVI, which I read. The matter has been referred to the Committee on Rules, and the Committee on Rules has reported favorably upon the matter.

Mr. SHEPPARD. No; but Rule XL permits me to move to suspend the rules, so that a matter will be in order that otherwise is not in order.

Mr. WALSH. Why, certainly.

Mr. SHEPPARD. I am asking the Senator if he thinks that that rule, which permits me to move to suspend the rules in order to put general legislation on an appropriation bill—a practice that he denounces—ought to be repealed.

Mr. WALSH. I have answered the Senator. I can scarcely conceive of a condition of affairs that would suggest the suspension of Rule XVI in order that general legislation may be attached to an appropriation bill. I do not say that in some crisis which the Nation may face it may not be advisable or even necessary to do so, but I do say that at the present time no such condition, no such emergency has been shown. Moreover, the people of the various States of the Union, when they framed their several constitutions, declared that they could not conceive of such a condition being likely to arise in the course of their history, or at least that they were willing to endure the inconveniences of such a possibility in order to escape the innumerable evils that must follow in the train of legislation passed in disregard of the salutary rule which it is insisted should now be suspended.

I yield now to the Senator from Mississippi.

Mr. VARDAMAN. I wish to ask the Senator if he holds that the Senator from Texas is proceeding in order?

Mr. WALSH. Certainly not.

Mr. VARDAMAN. Does not the Senator recognize the right of the Senator from Texas, under Rule XL, to make the motion which is now pending before the Senate?

Mr. WALSH. I do; certainly. I am urging, however, that we ought not to agree to the motion and suspend the rule. I have not urged that the Senator is out of order.

Mr. VARDAMAN. I can not understand the cause of the warmth with which the Senator urges his suggestion. One would infer that the Senator from Texas was proposing a revolutionary or extraordinary measure here. The Senator from Texas is entirely within his rights under the rules. If the Senate does not want to adopt the amendment, the Senate will reject it and be done with it.

Mr. WALSH. The Senator from Mississippi will pardon me. I have not suggested that the Senator from Texas is out of order or that the motion should not be considered by the Senate. I merely say——

Mr. VARDAMAN. The suggestion the Senator makes, that this body should be influenced in its action by the course that

may be taken by the White House or the attitude of the President to the matter under consideration, strikes me as hardly pertinent. I have great respect for the President's opinion, but I would not feel like surrendering altogether my own views.

Mr. WALSH. I desire to interrupt the Senator. I have not suggested that the desires or wishes or opinions of the White House ought to be consulted. I was discussing the wisdom of the provision which forbids that two subjects shall be embraced in the same bill. I advanced that every bill that comes to the executive of any State or the Executive of the Nation with two independent and unrelated provisions in it coerces the Executive, in a way.

Mr. VARDAMAN. I think the Senator from Montana is correct. In my State the title of a bill must describe accurately the contents of the bill, and in the reports of committees to the body in which the bill originates it is always required that the title shall be found sufficient, and the contents of the bill are set out in the title. But those are rules—laws. We are living by the laws of the Senate. We are proceeding in this matter in order, and we have a right to have a vote upon it. If the Senate does not want to adopt the amendment, it can reject it. That is all there is to it. No revolutionary or unusual proposition has been made. Nothing is asked of the Senate except what we have a perfect right to ask under the provisions of Rule XL.

Mr. WALSH. Mr. President, in all that has been said by the Senator from Mississippi I might say I quite concur. There is no want of harmony between us at all. I have not urged that this is out of order; I have not urged that the Senator from Texas has not a right to make this motion; I have not urged that he has not a right to impress his views upon the Senate with all the great skill in debate he is able to command. I address myself to the judgment of the Senate to reject his suggestion that the rules ought to be suspended in order that this amendment might become a part of a general appropriation bill providing funds for the government of the District of Columbia.

Mr. President, inasmuch as the rule has such very general concurrence as I have spoken of, it must be obvious that it never ought to be disturbed in order to permit general legislation to be admitted to an appropriation bill unless in the face of some great crisis, unless in the face of some great urgency. What is there in the situation now confronting us that requires or justifies this extraordinary course? No one has told us any reason why an independent bill which might be introduced by the Senator from Texas prohibiting the sale or disposition of intoxicating liquors in the District of Columbia could not as well present the main question, why it should not be referred to the proper committee, or why it should not come up for consideration in the proper and usual way. I may say, although it is entirely irrelevant to the question, that when a bill of that character comes up regularly I shall vote for it. I believe that it ought to be adopted.

But, Mr. President, that is entirely aside from this question. It might be objected that such a bill would go to a hostile committee which might possibly delay it unreasonably or bury it. What reason is there for apprehending anything of that kind?

When the Senator from Texas moved to suspend the rule and his motion was referred to the Committee on Rules that committee went out, and within a few hours came back and reported favorably in relation to it. What is the reason for supposing that any committee of this body to which a bill introduced by him upon this general subject might go would not be returned with equal dispatch?

But, Mr. President, if it should in any way be delayed, the Senator has a right to rise here at any time and move that it be returned within 24 hours, or other period, and if a majority believe that its importance is sufficient to warrant such action it will be here for consideration in its due order, and it may be taken up by a vote of the Senate, even to the exclusion of the unfinished business, even to the exclusion of the appropriation bills, and the embarrassment of the public business which must follow from a failure to enact them.

Mr. President, no reasons whatever have been advanced why we should depart from the salutary rule which forbids the incorporation of this amendment in an appropriation bill.

Mr. SIMMONS. Mr. President, the Chair has caused to be read this morning, or rather has read himself, a very eminent authority upon the subject of suspending the rules of the Senate or of any legislative body. The statement was made by that authority that a motion to suspend the rules is not debatable. I think the Chair has decided that it is debatable.

The VICE PRESIDENT. In accordance with the rules of the Senate which specify what shall be and what shall not be debated.

Mr. SIMMONS. I am not in any way impugning the decision of the Chair, nor am I advocating the position taken by the authority which the Chair has read as a proper exposition of parliamentary law, but I do want to say a few words in this connection, because I think they ought to be said and because I think the circumstances we find ourselves in to-day emphasizes the necessity of the action that I am going to suggest. If a motion of this kind is, under the rules as they now obtain, debatable, the rule ought to be changed, and speedily changed, so as to provide that a motion of this character shall not be debatable.

We have here for the last day and a half been debating the question whether the rules should be suspended or not, and until this morning, until the Senator from Colorado [Mr. THOMAS] took the floor, not a single observation, so far as I have heard, has fallen from the lips of any of the participants in the debate with reference to whether the rule should be suspended or not.

Mr. THORNTON. Mr. President, if the Senator had heard my remarks yesterday, or if he had read them, he would find that in my remarks I did touch on that point and nothing else.

Mr. SIMMONS. We have been, then, until this morning ostensibly engaged in debating the question whether we should suspend the rules, and instead of discussing that question we have been discussing the question which would come up in case the rules are suspended and which would not come up in case the rules are not suspended.

Mr. President, if we had taken the vote immediately upon the question of suspending the rules and that motion had been voted down, this debate would have been saved and the time which has been consumed unnecessarily would have been saved.

Now we are notified by Senators on the other side of the Chamber, and possibly by Senators on this side of the Chamber, that if this proceeding is allowed there will be other motions made as we proceed with this or with other appropriation bills to suspend the rules and to place other riders upon these appropriation bills, dealing with subjects absolutely foreign to the subject of the bill. The Senator from Michigan [Mr. TOWNSEND] has just given notice that he will make a motion to suspend the rule for the purpose of bringing before the Senate as an amendment to an appropriation bill his bill with regard to retired officers' pay.

Mr. TOWNSEND. Mr. President——

Mr. SIMMONS. If the Senator will pardon me, I will not say anything he will desire to reply to.

Mr. TOWNSEND. Will the Senator yield to me for a moment?

Mr. SIMMONS. Yes; I will yield.

Mr. TOWNSEND. The Senator is mistaken in his statement that I said I would move it. I said if it was true that a majority of the Senate could change the rules I should certainly employ that method to put my amendment on the bill, but the Senator will remember I explained how a majority could do that, but I recognize the fact that a two-thirds can not do it.

Mr. SIMMONS. The Senator might desist from offering his amendment, because he thinks he can not get two-thirds in favor of the measure, but we all know how Senators seek here sometimes for legislation that is very popular; that is on the calendar perhaps, but because of other more important business it is held in abeyance or pushed aside. They will have the temptation greatly accentuated to offer such measures as a rider to these appropriation bills, because they think, if it were very popular with the Members of the Senate, they will be able to secure a two-thirds vote.

Mr. President, I say if that practice is to obtain, if we are to invoke this rule that for 53 years has not been invoked in the Senate, then we ought to provide that a motion to suspend the rules shall not be subject to debate, so that Senators can not under cover of a motion to suspend the rules for the purpose of taking up some extraneous subject claim the attention of the Senate here for an indefinite time.

Let us suppose, Mr. President, that there is a disposition on the part of either side of the Chamber or on the part of a considerable number of Senators upon one side of the Chamber to filibuster against some measure, and it is desired to use an appropriation bill as a buffer for accomplishing that purpose. I do not charge that that is the situation now, but I do say that two appropriation bills at this session have taken two or three or four times as much of the time of the Senate to secure action as is ordinarily the case. Suppose, Mr. President, there is a desire to use these appropriation bills, especially during a short session of the Senate like this, as buffers to prevent the consideration of some important measure of legislation which certain Senators are unalterably opposed to, and determined to

defeat by the method that may be open to them, how easy it will be for Senators, under the method the Senator from Texas has adopted, to make a motion to suspend the rules and offer an amendment placing their bill as a rider upon the appropriation bill, and then upon the motion to suspend the rule, before they have reached the subject matter which they wish to add to the appropriation bill, before its discussion has become pertinent, upon this motion to suspend to engage in a general debate such as we had here in the Senate on yesterday, taking up the time of the Senate and indirectly accomplishing the purposes of a filibuster. Mr. President, upon this one appropriation bill we can have a dozen filibusters in effect.

Mr. President, the Senator from Montana [Mr. WALSH] has wisely said that the question before the Senate at this time is not the question of prohibition for the District of Columbia. I want to say to the Senator from Texas if that was the question before the Senate I would not stand against him; I would be as solidly with him as any other Senator upon this floor. There has not been a time in my life when I have not been ready and willing to vote in favor of prohibition. I am willing to put my record upon the subject of prohibition against that of the Senator from Texas or any other Senator upon this floor. Shortly after I became a Member of the United States Senate, and while I was yet chairman of the Democratic executive committee of my State, believing, as I did, that there was a strong public sentiment in that State in favor of prohibition, feeling strongly myself in favor of that as a great measure looking to the uplift of the people, I prepared a bill providing for absolute rural prohibition in the State of North Carolina and municipal local option. I gave it to a member of the legislature and asked him to introduce it and to state upon the floor that I had drafted it, and that as chairman of the Democratic executive committee, if I had the power to do so I would place the Democratic Party behind that measure. It was adopted at the next session. It worked well.

At the next session of the legislature I drafted another bill providing against the manufacture of liquor except in incorporated towns of a thousand inhabitants anywhere in the State. I handed it to another member of the legislature with the request that he offer it and state that I had drafted it, and that, as far as I was able, as chairman of the Democratic executive committee of that State, I desired to put the party behind it. It passed. The towns voted liquor out, with the exception of eight or nine towns. Liquor was voted out. Then, Mr. President, we submitted the question of absolute prohibition, both as to the sale and manufacture of liquor, in North Carolina, and I was one of the chief advocates in favor of it.

I say this, Mr. President, in order that it may be distinctly understood that the position which I take now with regard to my vote upon the motion now pending is not to be construed as being in any way hostile to the cause of prohibition.

I want to state emphatically to the Senator from Texas that I am surprised, in view of his zeal here to-day, that he has permitted the bill providing for prohibition for the District of Columbia to rest in the committee since last April, when, as I understood from his observation yesterday, it was referred to a committee, without making an effort to get it out of that committee and before the Senate.

Mr. SHEPPARD. I have no power over that committee.

Mr. SIMMONS. Ah, but the Senator ought to have proceeded in the regular way. He ought to have gone before the committee and have insisted upon its action. But he did not do that. I am not complaining of the Senator because he did not. I say to the Senator that the bill is there now. I say to the Senator that I will join him in insisting that that committee shall act upon it, and if they do not act upon it in a reasonable time, then I will join him in a vote to discharge that committee and bring the bill before the Senate.

But, Mr. President, I can not stultify myself by casting a vote here to open the doors wide in the conditions which we have in the Senate to-day, in view of the fact that it is a short session, that one-half of that session has expired, and that it would be followed by all sorts of propositions to suspend the rules and to permit riders carrying general legislation to be attached to this appropriation bill and to every other appropriation bill.

Mr. President, the Democratic Party being the majority party is responsible for legislation. I want to ask Democrats, have we not a program this year that we want to carry out? Mr. President, we not only have a program of legislation which we desire to carry out, but we have a program of legislation that we have solemnly agreed to carry out. We have committed ourselves to it. We have promised each other that we will seek to carry it out by every legitimate means known to parliamentary law.

Mr. SHEPPARD. Mr. President——

The VICE PRESIDENT. Does the Senator from North Carolina yield to the Senator from Texas?

Mr. SIMMONS. After a little while. Mr. President, it is perfectly apparent that if we enter upon this program and then let the bars down in this case it will not be the only case. We know—every one of us on this side knows—that it is the fixed determination of the party on the other side of the aisle to defeat this legislative program if they can. They have expressly declared their intention upon the floor of the Senate not to permit a vote upon the ship-purchase bill. I do not say that they are filibustering upon the appropriation bills. Filibustering can be done upon appropriation bills, because of their peculiar character, so adroitly that you can not put your finger upon the filibuster.

Mr. GALLINGER. Mr. President——

Mr. SIMMONS. I am not charging that it is being done, but I do say—I will not yield for the present; I will yield after a while—I do say that if we open the doors, if we start upon this policy, with the splendid opportunities for using the appropriation bills for filibustering purposes, with the enlarged opportunities that will be afforded by this method of suspending the rules and taking up general legislation and discussing it ad infinitum, every man of sense in this body knows that we shall not do more at this session than pass the appropriation bills. It means an absolute abandonment by the majority Members of the Senate, who are responsible for legislation, of the program that we have adopted and as to which we have committed ourselves to our party and to the country.

Mr. GALLINGER. Mr. President, will the Senator permit me to interrupt him?

Mr. SIMMONS. Yes.

Mr. GALLINGER. I will not enter, Mr. President, into any discussion with the Senator from North Carolina concerning the question now before the Senate, and upon which the Senator is wasting a great deal of time; but I will ask the Senator for a single moment——

Mr. SIMMONS. I am wasting time—to keep the Senator's method of trying to defeat legislation in which I am interested from being successful.

Mr. GALLINGER. I will ask the Senator if a single moment of time in debate on the District of Columbia appropriation bill, aside from the question which the Senator is now discussing, was not legitimate?

Mr. SIMMONS. I have said that you can not lay your hand upon a filibustering scheme in connection with an appropriation bill. It is so easy with the hundreds and sometimes thousands of items in such bills to take up each one of them or many of them and to discuss them a little while——

Mr. GALLINGER. Yes.

Mr. SIMMONS (continuing). That the discussion seems to be absolutely legitimate, and is absolutely legitimate, and yet the purpose of the discussion may be, and frequently is, delay.

Mr. GALLINGER. And if the Senator will go to the records he will find that more than 50 per cent of the time in discussing the District of Columbia appropriation bill has been taken up by Senators on the other side of the Chamber. The RECORD will show that to be the fact.

Mr. SIMMONS. The larger part of the time in connection with the discussion of this very proposition we have before us now has been taken up on this side of the Chamber.

Mr. GALLINGER. Precisely.

Mr. SIMMONS. I am saying, Mr. President, that if we had had a ruling of the Chair that this motion was not debatable, we would have voted upon it at once; and if two-thirds had not voted for it, then all this unnecessary debate would have been cut off.

Mr. GALLINGER. There is no question about that; but the Senator, I know, would not ask the Chair to make a ruling that was not justified by the rules of this body.

Mr. SIMMONS. I do not ask the Chair to make such a ruling. What I suggested—and if the Senator was present he would have heard it—was that, without impugning at all the decision of the Chair, I am inclined to think the decision of the Chair under the rule was entirely right; but I was suggesting that we ought to proceed very quickly to amend our rules so as to require that they should provide that such a motion should not be debatable.

Mr. GALLINGER. Of course, there is a proper and legitimate way to amend the rules; and there is a proper and legitimate way to amend Rule XX so as to require a two-thirds vote. I would join with the Senator in amending the rule so as to require a two-thirds vote of this body to suspend the rule.

Mr. SIMMONS. I think we have already settled that point; and I think, in view of the interpretation that we gave to the rule the other day, that it is not necessary to make any further provision about that. Two-thirds from now on, I take it, will be required to suspend the rule, because the Senate has decided that that is the meaning of the rule; but the point I was making was that such a motion ought not to be debatable.

Mr. GALLINGER. That might be true as to a great many motions; but, as a matter of fact, they are debatable under our rules.

Mr. SIMMONS. The reason I was giving why it ought not to be debatable was the very situation that we are confronted with now. Instead of debating it, we have been debating the question that can only come up in case of a two-thirds vote to suspend the rules, and which may never come up. Therefore it should not be debated on the question of whether or not we shall suspend the rules. That debate ought to be held in abeyance until we get to it, and if two-thirds do not vote for suspension, then this time has been absolutely wasted.

Mr. VARDAMAN. Mr. President——

Mr. GALLINGER. I simply want, if the Senator will permit me, to make a further suggestion to the effect that our rules are written in the code, and that we ought to observe them so long as they are there.

Mr. SIMMONS. It is not to that at all that I object.

Mr. GALLINGER. And I am somewhat surprised that the Senator from North Carolina is now arguing that we ought to infringe the right of debate in this body.

Mr. SIMMONS. The Senator from New Hampshire wholly misunderstands me. I have twice repeated that I did not suggest that we infringe the rules; I did not even suggest that the Vice President was wrong in his ruling that the motion was debatable; but I suggest that we ought to speedily change the rules so as to make such a motion nondebatable. That was my only suggestion.

Mr. GALLINGER. Well, when the Senator from North Carolina attempts that, the question of changing the rules will be debatable.

Mr. SIMMONS. Oh, that is a question that we can consider when we reach it.

Mr. VARDAMAN. Mr. President——

The VICE PRESIDENT. Does the Senator from North Carolina yield to the Senator from Mississippi?

Mr. SIMMONS. Yes.

Mr. VARDAMAN. The Senator from North Carolina indirectly, if not directly, seems to charge the proponents of this amendment, by discussing this question, with unnecessarily delaying legislation which he says the Democrats have promised to enact, and he says that it ought not to be discussed.

Mr. SIMMONS. The Senator has wholly misunderstood me. I have made no such statement.

Mr. VARDAMAN. What is the Senator from North Carolina discussing?

Mr. SIMMONS. I am discussing this rule; that is what I am discussing.

Mr. VARDAMAN. Then, if it is not out of order, why does the Senator criticize other people for taking up time when the Senator is consuming more time?

Mr. SIMMONS. I can not discuss a proposition without making illustrations to support my argument; but I have made no such statement.

Mr. VARDAMAN. No Senator upon this floor has taken more time to discuss this question than has the Senator from North Carolina this morning.

Mr. SIMMONS. I have not suggested what the Senator said, that the discussion of this question ought not to be had; but what I did suggest was that we ought not to take the time of the Senate to discuss this question until we had decided whether or not we were going to suspend the rules so as to make the amendment offered by the Senator from Texas [Mr. SHEPPARD] in order.

Mr. VARDAMAN. The Senator from Texas, I, and other Senators who are favoring this measure have been ready to vote on the matter all the morning; we are ready to vote now without any further discussion.

Mr. SIMMONS. But, Mr. President——

Mr. VARDAMAN. I want to say, if the Senator will pardon me, Mr. President, that I am getting a little bit tired of being criticized for doing something that I did not receive orders, or rather permission, to do from the self-constituted leaders on this side. I am exercising my right, as is the Senator from Texas exercising his right, as a Senator to move an amendment which we believe to be quite as important to the American people as is the ship-subsidy bill or any other item on the program referred to by the Senator from North Carolina.

Mr. SIMMONS. Mr. President, I have not denied the right of the Senator to make the motion; I am not criticizing that at all. The Senator from Texas is entirely within his rights, and it is entirely within the right of Senators to discuss this question whenever it is in order to discuss it; but my proposition was to cut off the discussion until the amendment proposed by the Senator had been decided to be a competent and legitimate amendment to this measure.

The Senator from Mississippi says I am taking up time this morning, and that he is ready to vote. Yes; Mr. President, all of yesterday was taken up by the discussion of the merits of the prohibition proposition, but the merits of the rule, which is the only thing now before the Senate, were not discussed at all; and I say, Mr. President——

Mr. VARDAMAN. I want the Senator to understand that I do not object——

Mr. SIMMONS. I say, Mr. President, that a proposition to change a standing rule of the Senate, which has not been suspended in 53 years, and to inaugurate in the Senate a new policy with reference to riders upon appropriation bills is a very important matter per se; it is a public matter and not a private matter, and I think it ought to be discussed.

Mr. VARDAMAN. I have not objected to the Senator discussing it. I think it is perfectly proper to discuss it, because I realize that out of discussion, that by the attrition of ideas and the friction of suggestions the eternal truth may be evolved. I have not uttered one word in protest against the Senator's speaking, but I do not think it is entirely proper and consistent, with my idea of fair play, for the Senator to consume an hour of the time of the Senate and to criticize some of us who have used 15 minutes.

Mr. SIMMONS. I do not think I have been speaking half an hour, but even at that much of the time I have been on the floor has been taken by Senators who desired to interrupt me, and part of it has been taken up by the Senator, who says he was tired of something somebody else was doing. The Senator from Mississippi has been tired ever since he has come here of whatever anybody was doing that he did not agree with, even in the White House. [Laughter.] I shall proceed, whether the Senator from Mississippi is tired or whether he is not tired; that is not a matter of concern to me.

Now, Mr. President——

Mr. VARDAMAN. And, Mr. President, it is equally a matter of indifference to me what the Senator from North Carolina may do or think.

Mr. SIMMONS. Mr. President, I decline to be further interrupted, because the Senator has complained that those who oppose the proposition to suspend this rule, which has stood unsuspended for 53 years, ought not to be heard, ought not to have time to discuss it, after those who favor it have discussed for a whole day the merits of the question which is to follow after action with reference to the pending motion.

Mr. VARDAMAN. Mr. President, the Senator's statement is not justified by what I said.

The VICE PRESIDENT. Does the Senator from North Carolina yield to the Senator from Mississippi?

Mr. SIMMONS. No; I said I would not.

Mr. President, the Senator from Montana [Mr. WALSH] has very pertinently and very wisely called attention to the fact that not only the United States Senate but nearly every legislative body in this country has a rule against riders upon appropriation bills. He has given the fundamental reasons why it is unwise to put such riders upon appropriation bills. However meritorious the legislation may be, however strong it may be with the body to which it is presented, it is an improper way, and an unwise way, as the Senator from Montana has shown, to endeavor to enact it into law. In addition to the reasons which the Senator from Montana has given why it is an unwise thing to do, I invoke the fact that for 53 years no such action as is now sought has been taken by this body.

Mr. President, there have been times in our history when men who represented legislation which they regarded of vital importance, who were just as zealous and just as enthusiastic and just as anxious to have it speedily considered as are the proponents of the proposed legislation now under discussion, have been unable to get the legislation in which they were interested out of the committee and upon the calendar, and, if it were upon the calendar, unable to get it up for consideration. The temptation has been great, as it is in the case of the Senator from Texas, to facilitate and expedite action by attaching such legislation to appropriation bills; but, Mr. President, the common sense and judgment of this body for 53 years has made itself

felt so powerfully with the Members of this body that no effort has been made during all that time to secure legislation through appropriation bills by the medium of the suspension of the rules.

I do not think there could be a more powerful circumstance than that adduced as an argument why it should not be invoked on this particular occasion in this particular case, especially when it is realized that the Senator from Texas will have his opportunity and the advocates of prohibition in the District will have their opportunity—and they have a majority of this body that will back and support them in any course that they may see fit to pursue—to bring this matter before the Senate in a regular and orderly and not in a revolutionary way.

But, Mr. President, the chief reason, to my mind, why it is unwise to relax this rule grows out of two circumstances; first, that a measure brought up here in this way may be a measure which has never been submitted to a committee of the Senate. It may be a measure that has never had any consideration on the part of the Members of the Senate. We have provided, and provided wisely, that nothing shall be taken up for consideration by this body until it has been submitted to a committee of the Senate and that committee have had time to consider and report upon it, not only giving their reasons why they have acted, but, if they have taken testimony in the course of their investigations, furnishing us with the written testimony, so that we may have both the facts and their conclusions to assist us in legislation. I do not think there is any more salutary rule of procedure than that, and yet if this course is allowed—and this is but the entering wedge—then we lose the benefit of committee action, committee consideration, committee investigation, and committee report upon measures before we take them up.

More than that, Mr. President, though we may sneer if we want to at the rights of the Executive with reference to legislation and his power, he not only has rights and power, but he has a responsibility in connection with legislation just as weighty and probably weightier than ours. Our responsibility is divided amongst 96 Members of the Senate; the responsibility of Congress as to legislation is divided amongst 96 Members of the Senate and over 400 Members of the other House. The responsibility of the Chief Executive as to legislation rests entirely upon his shoulders. He is as much a part of the law-making body as are we. His assent—and in his assent is implied his responsibility—is coequal with ours.

Mr. President, when you present to the President of the United States an appropriation bill providing for the necessary expenses to carry on the Government, the effect of the failure of which or a veto of which would be to stop the wheels of the Government, whether it be the District of Columbia appropriation bill or the bill to provide money to carry on the Post Office Department or the Navy or the Army, and couple with that bill a distinct and unrelated proposition of general legislation, he can not veto the one without vetoing the other. It is taking an unfair advantage of the Chief Executive.

For that reason, Mr. President, as well as for the reasons the Senator from Montana has given, and the additional reason that I have given with reference to the loss by this method of the help of committee action, it would be extremely unwise to enter upon the policy of loading down our appropriation bills with matters which do not relate properly to appropriations for the departments of the Government.

Mr. GALLINGER. Mr. President, the first discordant note has been sounded by the Senator from North Carolina in the discussion of the bill making appropriations for the government of the District of Columbia. We have had an interesting debate on many provisions of that bill, participated in by Senators on both sides of the Chamber, I think to a larger extent on the other side than on this. The Senator from North Carolina [Mr. SIMMONS] has made the suggestion that there is a purpose in view, and, as he said, it had been announced to filibuster against another bill in which the Senator from North Carolina is greatly interested.

I wish to say for myself, and I think I speak for every other Senator on this side of the Chamber who has made any observations on the matter, that we have never made any such declaration. We have said, and we repeat, that so far as the shipping bill is concerned we propose to have a full and free discussion of that measure. We do not propose to commit ourselves to Government ownership of steamship lines or railroads or telephones or telegraph lines or any other great industry now conducted by private enterprise without debating it and having the country distinctly understand our position. That is all we have said; it is all we say now; we stand by that declaration, and propose to stand by it.

Mr. President, so far as the matter that is now under debate is concerned, I think we may well keep good-natured over it. The rule gave the Senator from Texas the right to make the motion he did. It went to the Committee on Rules, and the Committee on Rules reported it back favorably, and I think the Committee on Rules meant to do the right thing. It has, perhaps, resulted in a longer debate than some Senators desired; but that frequently occurs in this body, to the discomfort of some of us on one side or the other of this Chamber. As I have suggested, I think we had better keep good-natured about it and determine this matter dispassionately and calmly and without heat. That is what I propose to do, and I trust every other Member of this body will do the same thing.

I regret, personally, that so much feeling has developed on the other side of the Chamber between our friends of the Democratic Party, because we want to help them keep good-natured. We want them to enjoy themselves as long as they are in power. It is not going to be a great while [laughter], and we want to contribute our little mite toward their happiness whenever we have an opportunity. As a humble member of the minority, recognizing the fact that our Democratic friends are temporarily in power, I wish to assure them that we do not particularly enjoy the violent outbursts we have witnessed to-day between distinguished members of the majority party; and I will add simply that I hope we will now proceed in order and calmly discuss, if it is to be discussed further, the question before the Senate, and in due time take a vote upon it, and we will all bow, as we must bow, to the decision of this body when that decision is rendered.

For myself, Mr. President, I have not taken any time in this discussion. I am in favor of the motion the Senator from Texas has made. I shall vote for prohibition for the District of Columbia, if I get an opportunity to do so, believing that such action will be for the best interests of a majority of the people. I shall vote for national prohibition, if I get an opportunity to do so, believing that that action will be in the interests of a majority of the people of the country at large; but I am not going to find any fault with any Senator who differs with me or who votes differently from the vote I shall cast.

I hope now, Mr. President, in the interests of good legislation, in the interests of good nature and good feeling all around, that we will proceed to the further discussion of this question, if it is to be further discussed, and that in due time we will take a vote upon it and settle it.

Mr. JAMES. Mr. President, I am sure this side appreciates, and I am doubly sure I do, the deep interest always manifested by the Senator from New Hampshire in keeping this side in a good humor. I know, of course, that it would grieve him overmuch to see anything happen upon this side that would cause strained relations between Democrats. He has so recently had an experience of that kind in the Republican Party and I know he has seen the bad effects of it so manifested upon his own party that he does not desire to see it inflicted upon the Democratic Party. It is a glorious thing in this country that everybody has a right to prophesy; and I am certain that if there is any happiness to be derived by the Senator from New Hampshire from prophesying about the success of the Republican Party I should not, if I could, deny that to him, because I feel certain that it will run in the next election where it did in the last; that is, third. [Laughter.]

Mr. GALLINGER. Mr. President, I am not going to get into a political controversy with my good friend from Kentucky. I had no purpose of saying anything that would result in that. I simply expressed a friendly feeling for our good Democratic friends; and I was reminded, as I was on my feet—I thought I would not quote it then, but I think I will now—of the words:

Behold, how good and how pleasant it is for brethren to dwell together in unity.

[Laughter.]

Mr. JAMES. Mr. President, that is the second time I have heard the Senator quote that verse very recently. If there is anybody on earth who ought to be an expert in all those statements in the Bible or in history about "brethren dwelling together in unity," I am certain a Republican ought to be quite familiar with them, since their Chicago convention so delightfully experienced it. [Laughter.]

But, Mr. President, the Senator from New Hampshire need not be alarmed. The Senators on this side discuss questions. We have our opinions about them. We may be a little overenthusiastic sometimes, but the Senator takes that too much to heart. He is too much impressed with it. I can assure him that we will all be together in solid phalanx behind the Democratic nominee in 1916.

But I arose, Mr. President, not to discuss the prospects of the Republican Party—I do not think that question sufficiently important to call for serious consideration—but to discuss the question that is now before the Senate—the suspension of the

rules of the Senate for the purpose of considering the question of prohibition in the District of Columbia.

This discussion has proceeded here as if the issue were, "Is whisky a good thing or a bad thing to use?" That is not the issue at all. The immediate issue here submitted is whether the rules of the Senate shall be suspended to consider the question of prohibition in the District of Columbia.

This is the first time in 53 years there has ever been an attempt in this Senate to tie onto an appropriation bill new legislation—unconsidered, undigested, uninvestigated legislation—in this way by a suspension of the rules. In the State that sends me here to represent them it is provided in our constitution that only one subject can be considered in a bill before the legislature, and that subject shall be plainly stated in the title. The importance of preventing the tying of one issue onto another, so prolific of bad legislation, was manifest to the organic-law makers of our State, so they prohibited it in the constitution, as has been stated by the Senator from Montana [Mr. WALSH]. So this body, by its rules of procedure, provided that amendments presenting new legislation could not be tied onto appropriation bills. I believe that this rule has saved the people of this country more money, has been a greater protection to the people's Treasury than any other ever written. Gentlemen having a desire to raid the Treasury, and knowing that standing alone it would fail to become a law, would tie onto it some popular principle of new legislation. Some gentlemen would vote for the bill containing the two questions because it contained the legislation they approved; others would vote for it because the Government could not proceed without the necessary appropriation. Hence, it would pass, yet either alone would fail, and neither is the will of the majority. While some might be willing to break down this protection to serve an end they deemed wise, it would return many times to plague them.

The attempt here is not to take the sense of the people of the District of Columbia on whether or not they desire the sale of spirituous, vinous, or malt liquor; no vote is to be given to them; no referendum to them is submitted; they are not to be consulted. It is proposed to have Congress—which the District of Columbia did not elect, had no voice in selecting whatever—vote upon the people here absolute prohibition. Their advice is not asked; they are not consulted; but the District of Columbia, in which there is the city of Washington, the Capital of the Nation, with 400,000 people, is to be disfranchised upon this question, and without a hearing before a committee of the Senate. I can not support such a proposition. It is undemocratic, un-American, and unfair. It would deny to the people here a right given to the people in every other State in the Union, either of a direct or an indirect referendum—direct referendum when the vote would be upon the issue itself, or indirect when the vote was for the candidates upon platform pledges as to their course.

In Kentucky we have local option. I was elected to the Senate upon a platform which pledged our party to local option. Our party enacted it into law, and each "locality"—which in our State is the county, the unit—passes upon this question at the polls—the voters, the people themselves. No legislature would dare to usurp this right of local self-government and impose whisky upon a dry county or impose prohibition upon a wet county. I would not vote to impose upon the people here prohibition without submitting the question to them, any more than I would vote to license the sale of whisky here, if it were prohibited by law, without submitting the question to the people. The rule of the people must be recognized in all questions. No question is so good or so great that it is better than the rule of the people, which is the voice of the people, which, we have often been told, is the voice of God. In Kentucky we have, as I said, local option, where the county is the social unit. I believe in local option. It has been a success in our State.

In Kentucky, which perhaps distills more whisky than any other State in the Union—certainly more good whisky than any other State in the Union [laughter]—we submit the issue, wet or dry, license or no license, to the people, and under this law more than 106 counties voted to prohibit the sale of whisky. The other 14, in which there are large cities, have the sale of whisky. It is possible for the whole State to be dry, if it is the will of the people in each county. The people living in one part of Kentucky can not force their will upon the other part of the State. Local self-government is given to the people of each county, which together constitute the State. To each self-governing community is given the right of self-government. This is democracy as I have always been taught it. The platform upon which I was elected to the Senate pledged me to the county unit in local option; that is, to give to the people in each county in our State the right to say at the ballot box whether whisky should be licensed or prohibited. That is local self-government in each county. For me to vote here to deny that right to the people of this District would be a direct violation of the spirit of that platform promise. I was elected upon that platform, and I shall not violate it. I will not do that. In each county in Kentucky, some of them with less than 10,000 people, they have this right of self-government, a right pledged to them by my party. Shall I now vote to deny the same right of self-government to the people here, 400,000 in numbers, forty times the size of the unit to which it is given in my State under the pledge of the Democratic Party and written into law by their legislature? I challenge any advocate of prohibition upon this floor to point me to a city that in any way approximates the size of Washington where prohibition has been a success when it was voted upon them against their will.

There was placed in the CONGRESSIONAL RECORD yesterday a letter from the Washington Mercantile Association. That letter gives the names of organization after organization in the District of Columbia that have protested against prohibition. Let me read the first one:

The Personal Liberty League of the District of Columbia, with a petition of residents and taxpayers numbering about 50,000.

In this District there would not be over 80,000 voters. So here is a protest from a majority of the voters against prohibition. I am in favor of the rule of the people everywhere. Why should the people here be denied it?

Why, in my State you can not have a vote upon local option—that is, the denial or the permission of the sale of whisky in a county—unless you get 25 per cent of the voters of that county to petition for it. Why is that? That is a good law. The reason for it is that there should be no necessity for an election that will stir up a community, as the question of whisky or no whisky will, and make enemies out of good friends unless there is a decided desire in the county to have that question decided, to have the law changed, which is dry to wet or which is wet to dry. You can not enforce a prohibition law in any community unless you have back of that law a healthy public sentiment.

Take the District of Columbia. It would seem that the reason why the effort is made here to vote prohibition direct upon these people without their consent is because the advocates of that policy believe that if the question were submitted to the people themselves they would refuse to vote it.

Mr. SHEPPARD. Mr. President——

The VICE PRESIDENT. Does the Senator from Kentucky yield to the Senator from Texas?

Mr. JAMES. I yield to the Senator.

Mr. SHEPPARD. Did not the Senator from Kentucky the other day vote to impose on the people of this District a change in the plan of taxation without saying anything about referring it to them?

Mr. JAMES. Oh, certainly, Mr. President; but that is not a parallel case at all. The legislatures of the various States pass upon questions of taxation without submitting them to the people, but upon the question whether or not whisky shall be sold in a county that is "dry" or prohibited in a county that is "wet" it always has been the policy in practically every State in this Union to submit it to the voters at the ballot box.

How can you enforce prohibition in the District of Columbia if you have not back of it the sentiment of the people here? Your jurors, your officers, the men who indict and the men who try, the officers who arrest, the witnesses who testify, and the judges who preside are the men who must enforce this law. That is the reason why prohibition has been a failure in every big city in this Nation. The public sentiment has not been strong enough to uphold the law. It was a failure in Nashville, it was a failure in Memphis, because public sentiment did not favor it and would not uphold it, and it would be a failure in the District of Columbia if it were forced upon these people without their consent.

I have heard a great deal of a referendum. That has been dear to the hearts of some—almost as dear as prohibition—yet in the District of Columbia the iron hand of power would be leveled against these people, without giving them the opportunity to be heard, by those who have told us so much of referendums. The rule of the people upon a question like this applies as much to the people of the District of Columbia as it applies to the people of a county in Kentucky.

You say you have not the machinery for it. Why, all you have to do is to appoint the election officers, print the ballots, and prescribe the qualifications of the voters. That is all that is done in Kentucky. The election commissioners appoint the election officers, the sheriff serves notice on them, the clerk has the ballots printed, the election officers conduct the election, and the result is determined by the people themselves. But

here in the District of Columbia we are told that the liberty of the citizen fades as he approaches the Capital of the Nation; that a right dear to the people of the States shall be denied here; that out in the States they have the right to govern themselves, but here in the District of Columbia, because they are close to the Capitol itself, because they are near to the very seat of liberty, therefore we will force upon these people, without giving to them the opportunity to be heard, prohibition that in all probability would not in the slightest degree be enforced—if forced on them against their will.

Mr. President, because you are willing to give to the people the right to rule themselves, because you believe a question of this kind can be better handled under strict regulation and a high license, it is as unfair to designate one who takes that position as lining up with the saloon men as it would be for me to turn upon those who advocate a prohibition law that could not be enforced in great cities and line them up with the "blind tigers" and the "speak-easies" and bootleggers" that violate the law that has been written upon the statute books.

Mr. WILLIAMS. Mr. President——

The VICE PRESIDENT. Does the Senator from Kentucky yield to the Senator from Mississippi?

Mr. JAMES. I do.

Mr. WILLIAMS. If the Senator will pardon me, in that connection I wish to call his attention to a fact well known to him, and I suppose to a great many Members of the Senate.

Abraham Lincoln was very ardently in favor of the abolition of slavery as far as it could be constitutionally accomplished. There was no doubt about the fact that Congress could abolish slavery in the District of Columbia, and yet Abraham Lincoln said that as a Member of Congress he would not vote for a bill to do it unless it had been previously submitted to the people of the District of Columbia. You might just as well say, then, that he was hypocritical and insincere in his pretension that he wanted to abolish slavery because he was willing to leave to the people of the District whether it should be abolished or not.

Mr. JAMES. Certainly; the right of the people to govern themselves and to rule themselves in the District of Columbia was recognized, and advocated by Abraham Lincoln, and it ought to exist in the same degree that it does in every State of the Union. Gentlemen say that you do not submit this or that taxation question to the District of Columbia. Certainly not, nor do you in any of the States submit that question to the people of the State; but you must remember that in the State there are two ways by which this question of local option or prohibition has been decided—either upon the direct vote of the people upon the issue itself, or by voting for a candidate who himself declared how he stood upon that question. But in the District of Columbia no Senator has been voted for by the people here. No Senator stated what his position was when he was elected as to the District of Columbia; the people of the District of Columbia had no right to pass upon his election to the United States Senate.

I want to say that in the District of Columbia the people here have just as much right to settle this question as to whether or not they want whisky or no whisky as they have in the State of Kentucky.

My friend from Texas [Mr. SHEPPARD] represents a great Commonwealth, the State of Texas, and he is undertaking to force upon the people of the District of Columbia by men they did not elect, against their will and without their consent, a policy of prohibition that the great State of Texas itself has three times recently repudiated. I ask him would he be willing to vote upon the people of Texas prohibition when that question was submitted to them twice at the ballot box and twice they have defeated it, and only recently they again expressed their opinion in the election of a governor who stood opposed to State-wide prohibition? Yet the effort is made here to impose upon these people prohibition without ever giving them an opportunity to be heard. Would he do Texas the same way?

Mr. President, the letter that I shall ask to have read states my position upon the whisky question. It is a letter familiar to Senators, but in order that they may again hear it I send it to the Secretary's desk. It is the letter by President Wilson to Rev. Thomas D. Shannon. I ask that the Secretary may read it.

The VICE PRESIDENT. Is there any objection? The Chair hears none, and the Secretary will read as requested.

The Secretary read as follows:

MAY 1, 1911.

Rev. THOMAS D. SHANNON,
*16 Clinton Street, Newark, N. J.*

MY DEAR MR. SHANNON: The question asked in your letter of April 27 about my attitude toward the important question of local option is, of course, a perfectly legitimate one, and you are entitled to a very frank answer. I would have replied sooner had I not been prevented by imperative public engagements. I have explained my views to you in private, but have, of course, no objection to your making them public.

I am in favor of local option. I am a thorough believer in local self-government, and believe that every self-governing community which constitutes a social unit should have the right to control the matter of the regulation or of the withholding of licenses.

But the questions involved are social and moral and are not susceptible of being made parts of a party program. Whenever they have been made the subject matter of party contests they have cut the lines of party organization and party action athwart to the utter confusion of political action in every other field. They have thrown every other question, however important, into the background and have made constructive party action impossible for long years together. So far as I am myself concerned, therefore, I can never consent to have the question of local option made an issue between political parties in this State. My judgment is very clear in this matter. I do not believe that party programs of the highest consequence to the political life of the State and of the Nation ought to be thrust on one side and hopelessly embarrassed for long periods together by making a political issue of a great question which is essentially nonpolitical, nonpartisan, moral, and social in its nature.

Very sincerely, yours, WOODROW WILSON.

Mr. JAMES. Mr. President, that letter states that every social unit shall decide for itself the question of license or no license. Prohibition has been a success wherever public sentiment has been back of it. It has been a failure wherever public sentiment has been opposed to it.

It is claimed that the issue is to be determined here as to whether whisky is a good thing or a bad thing, whether it is good for the human system or bad for it, whether it affects the kidneys or has no effect whatever. Mr. President, that is not the question. The question here is what is the best way to regulate and handle the whisky question—whether by high license and strict regulation or by prohibition. The question is whether or not you can enforce a prohibition law in a community that is opposed to it and impose upon the people of that community prohibition without ever allowing them to have a word to say about it.

Of course the direct issue here is whether or not the rule shall be suspended and this proposition placed before the Senate. I shall cast my vote in opposition to it for the reasons I have given. I am perfectly willing that this question shall be submitted to the people here. If it is their will to prohibit the licensing of the sale of whisky, then the law can be enforced, because the people are back of it and public sentiment will enforce it.

Mr. SHEPPARD. I wish to ask the Senator from Kentucky a question before he takes his seat. He has stated that he is in favor of local option. Does he mean to say by that that if he were in a county that voted as to whether or not there should be prohibition he would vote for prohibition?

Mr. JAMES. The Senator misconstrued my terms. In Kentucky local option means that each locality shall determine for itself how it stands.

Mr. SHEPPARD. Will the Senator answer as to how he would vote in one of those localities?

Mr. JAMES. I have already voted. In my home county I voted in a local option election, and I voted dry, because the people there, the sentiment there, could handle the question and enforce the law.

The sentiment in my community under the local option law prohibited the sale of whisky in the county, and it was a community that has enforced the law. But just 160 or 170 miles from my county is the city of Memphis, where they have not enforced the law. Public sentiment favored the law and enforced it in one social unit; in the other it opposed it and violated it. The rule of the people is manifest by this comparison. It is better to let the people rule, for when you do they will sustain the law; if you do not, they will violate it. For in the last analysis public sentiment is the law. Every community is just as good as the public sentiment of the people makes it.

Mr. KENYON. Mr. President, I am not going to take any time on this question, because I hope that a vote may be reached, but in view of the letter submitted by the Senator from Kentucky [Mr. JAMES] I think it would not be inappropriate to place in the RECORD another editorial of the Secretary of State upon this subject. I placed one editorial in the RECORD a few days ago, and I shall from time to time place in the RECORD these editorials as they shall appear. I am sorry that the editorial which appears in the Commoner to-day, in which Secretary Bryan predicts the end of the liquor business in this country, has not as yet reached Washington, but it will be here during the day, and I shall then submit it. For the present I ask to have read, in answer to the letter read by the Senator from Kentucky, the part I have marked from an editorial in the Commoner of December, 1914.

The VICE PRESIDENT. Is there any objection? The Chair hears none, and the Secretary will read as requested.

The Secretary read as follows:

These questions are, however, at issue in the States, and as a Democrat I am interested in seeing the party take the moral side of both questions—the side that appeals to young men who are coming out of our schools and colleges and who assume the obligations of citizenship with a vision of better things. Every new issue causes a new alignment; in proportion as it is an important issue it brings about changes in party affiliations. If the Democratic Party takes the side of the brewer, the distiller, and the saloon keeper, it will lose many of its best members and it will draw to itself the worst element of the Republican Party, and the Democratic Party can not afford to invite an element that puts desire for drink before principles of government and the Nation's welfare. The more we have of that element, the more difficult it will be to draw to us those whose presence gives strength to a party and whose voice and example increase its numbers.

The Democratic Party can not be killed, even by association with so contaminating an influence as the liquor interests, but why should the party allow itself to be debauched and disgraced? It would take a decade or more to remove the odium that the representatives of the triple curse—the saloon, the gambling hall, and the brothel—will bring upon the party if they are allowed to dictate its policy. The result of the liquor fight in the late campaign is full of warning; if the Democratic Party fails to heed this warning to it, it does so at its own peril.

W. J. BRYAN.

The VICE PRESIDENT. The question still is on concurring in the report of the Committee on Rules.

Mr. WHITE. Mr. President, the immediate question before the Senate has not been much discussed, but the real question, the question that reaches the ultimate end, has been debated. The question to be voted on is, as I understand it, Shall the report of the Committee on Rules be adopted? If this report should be adopted, then the way would be open for the Senator from Texas to offer his amendment to the appropriation bill under consideration prohibiting the sale of intoxicants in the District of Columbia. This is the subject which has been discussed by Senators and is the one dominant in the public mind. Therefore it devolves upon me as a representative in this body to express the views of my constituency upon the subject as well as my own. Happily on this occasion they are in accord.

I am opposed to the saloon, and I will go further and say that I am opposed to the sale of intoxicating liquors in any way. A large majority of the people in my State are opposed to the saloon and share my views on this subject. This is conclusively shown by the fact that only two days ago the legislature that has recently assembled in Alabama, by a three-fourths vote in each house, prohibited the sale and manufacture of liquor throughout the entire State. It is further demonstrated by the fact that there are 67 counties in Alabama, and 66 of those counties, by a vote of the people in the counties, have prohibited its sale and its manufacture.

But, Mr. President, I am not here alone to reflect the views of the people of Alabama. I am here to give expression, as far as I can, to the views of the people of the Nation. This is essentially a national question. The authority of Congress to exercise the police power of the Nation to protect the morals and safeguard the health of the people of the District of Columbia can not be doubted. The power is lodged there and it is lodged nowhere else. It devolves upon Congress to act, and if it does not act action can not be taken.

Are the people of the Nation affected by this question? Have they any responsibility resting upon them? Both these questions must be answered in the affirmative. They are vitally affected. The sovereignty of the District abides in them. They reside here in the persons of their representatives. The national life is centered here. The conditions existing naturally affect the efficiency of their representatives in the discharge of their duties. It is well for the people that the moral and social atmosphere in which their representatives live should be clean and pure; that their environment should be the best. When I speak of the people's representatives I do not mean to include only their representatives in Congress, but all those who are here at the behest of the people doing the work of and discharging the duties imposed upon them by the public. Surrounding them by proper conditions is conducive to a better and more faithful discharge of their duties.

The people of the entire Nation are deeply concerned in every officer and every employee of the Government, as well as the members of their families, to say nothing of the thousands of young men and young women they are sending here from their homes, in whom they have a personal interest. The lives of these young men and young women are to be made or marred by civic conditions existing in the District.

The people of the Nation are concerned in conditions existing here for other reasons. This is their Capital; thousands of them visit it annually, and to that extent become a part of the District's life. They are to be benefited, elevated, injured, or lowered by the social and moral atmosphere in which they are compelled to live while they are in the city. That atmosphere should be made conducive to their happiness and safety.

The people of the United States are concerned in this case for a greater and better reason than those I have given. They love their fellow men. Their desire to help and advance humanity is itself an all-sufficient reason for the interest they feel in the people of the District. In their action they are complying with the new commandment, "Love thy neighbor as thyself."

It is asserted, however, by some that the people of the District should determine the question. I take issue with this view. While the people of the District have a right to be heard on the subject, they have no right to control the situation. The question presented is whether the District shall control the Nation or whether the Nation shall control the District. There can be but one answer to this question. It answers itself.

Mr. President, it is not necessary for me on this occasion to point to the vice involved in the liquor traffic or to assert that the saloon is a thing of evil. That is admitted on all hands. No Senator in this debate has assumed the responsibility of defending the saloon or of denying its evil effects on the community. So far they affirmatively admit that the presence of the saloon is harmful in its effects on society and that no good whatever results from it. The saloon has no defender on this floor, none who will even apologize for it. The only contention is that prohibition will not prohibit. If this contention is conceded, it furnishes the strongest reason that can be offered why saloons should be driven from the District. For if we have in our midst an evil, an admitted evil, that is capable of combating and defying the Federal Government, then we had better make the issue and settle the question. If the Federal Government is to be powerless and helpless when met by this foe of society, this enemy of mankind, then the people of the United States had better know it and adopt some other means of conquering a foe that is engaged in a life-and-death struggle with them.

Mr. President, I think this is the opportunity, the best opportunity, for the people of the United States to demonstrate whether prohibition laws can be enforced, as in the District of Columbia the entire influence and power of the Federal Government can be brought to bear in favor of its enforcement.

Conditions in the District of Columbia are not comparable with those in the various counties of the States. In the counties the people elect the officers who are to enforce the law, and if the people are opposed to the law they will elect officers who are with them in sentiment, but in the District of Columbia the officers are selected by the Government itself. They are responsible to the Government. They will be held accountable by the Government, and when the Government is engaged in a struggle in which it is to be determined whether it shall be supreme or shall fall limp and helpless at the feet of the saloon, the Government will see to it that officers are appointed who will enforce the law and then see to it that the law is enforced.

Mr. President, I am in favor of adopting the report of the committee and thereby give the people the opportunity of accepting the challenge of the liquor forces that they are more powerful in the District of Columbia than the Government of the United States of America.

Mr. JAMES. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. WALSH in the chair). The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

| | | | |
|---|---|---|---|
| Ashurst | Gronna | O'Gorman | Smith, Ariz. |
| Bankhead | Hardwick | Overman | Smith, Md. |
| Borah | Hitchcock | Page | Smoot |
| Brady | Hollis | Perkins | Stephenson |
| Bryan | Hughes | Pittman | Stone |
| Burleigh | James | Poindexter | Swanson |
| Chamberlain | Johnson | Pomerene | Thomas |
| Chilton | Jones | Ransdell | Thompson |
| Clapp | Kern | Reed | Thornton |
| Colt | Lane | Root | Tillman |
| Culberson | Lea, Tenn. | Saulsbury | Townsend |
| Dillingham | Lee, Md. | Sheppard | Walsh |
| du Pont | Lippitt | Sherman | White |
| Fletcher | Martine, N. J. | Shields | Williams |
| Gallinger | Myers | Shively | |
| Gore | Norris | Simmons | |

Mr. TOWNSEND. The senior Senator from Michigan [Mr. SMITH] is absent from the Senate. He is paired with the junior Senator from Missouri [Mr. REED]. This announcement may stand for the day.

The PRESIDING OFFICER. Sixty-two Senators have answered to their names. A quorum is present. The question is on the adoption of the report of the Committee on Rules.

Mr. NORRIS. I wish to inquire from the Senator from Indiana [Mr. KERN]—or if he is not present, perhaps the Senator from Mississippi [Mr. WILLIAMS] can tell me—if it is contemplated that we are going to adjourn prior to 2 o'clock?

Mr. WILLIAMS. I understand it is contemplated that we shall take a recess later this afternoon.

Mr. KERN entered the Chamber.

Mr. WILLIAMS. The Senator from Indiana is here.

Mr. KERN. I beg pardon, I did not hear what the Senator said.

Mr. NORRIS. I inquire whether it is contemplated that the Senate is to adjourn prior to 2 o'clock.

Mr. KERN. No, sir; it is contemplated that we shall take a recess by 4 o'clock.

Mr. NORRIS. Then, Mr. President, in anticipation that the amendment which I propose to offer can not be reached to-day, I ask unanimous consent to have read for the information of the Senate and printed in the RECORD an amendment to the pending bill that I expect to offer later on.

Mr. SIMMONS. Mr. President, is it an amendment to the amendment that is pending?

Mr. NORRIS. No; it is an amendment to the District of Columbia appropriation bill. I wish to have it printed in the RECORD for the information of the Senate. I expect to offer it when the pending amendment and other amendments are disposed of.

Mr. SIMMONS. Does it relate to general legislation?

Mr. NORRIS. No; it does not relate to general legislation, but to special legislation.

Mr. KERN. Mr. President, I should like to inquire of the Senator from Nebraska if he knows of any reason why a vote should not be had on this bill within the next two hours?

Mr. NORRIS. A vote can be had; then I shall offer the amendment when we get to it; but I rather anticipated from the way this debate has been going on that we would not finish the bill to-day.

Mr. KERN. I understand the Senator from Washington [Mr. JONES] wishes to speak, as he informs me, about three-quarters of an hour or an hour. I am not advised that any other Senator will speak.

Mr. NORRIS. Well, no harm will be done by having the amendment now read. I only ask to have it read for information.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Nebraska for the reading of the amendment? The Chair hears none. The amendment will be received and read as requested.

The SECRETARY. It is proposed, after line 6, page 30, to add the following:

The Secretary of War is authorized and directed to construct two public bathhouses and convert portions of the tidal basin in Potomac Park into public bathing beaches as outlined in Senate Document No. 593, Sixty-third Congress, second session, and for the beginning of such improvement the sum of $50,000 is hereby appropriated.

Mr. JONES. Mr. President, during the discussion yesterday I had a very pleasant thought from the fact that partisanship was not suggested in any way, shape, or form in the discussion. I had at first thought I would refer to that fact if I got recognition to speak; but as the debate further proceeded and no reference was made to partisanship or party affiliations, I had decided not even to refer to the matter at all, not even to that fact. So I regret that to-day, for the first time in the discussion of this question, has partisanship cropped out; that some of our friends on the other side of the aisle have apparently appealed to party ties and to party support to defeat the adoption of the report of the Committee on Rules, and that the President has been brought into the matter in one way or another. I do not think that ought to have been done; and I hope that this side of the Chamber will not be charged with filibustering if we do refer to some of the matters which have been brought up by our friends on the other side, although they may not be exactly germane to the question at issue before the Senate.

I really see no occasion for the suggestions of the Senator from North Carolina [Mr. SIMMONS] that this side of the Chamber has been filibustering. I know that he disavowed any such charge against us, and of course I accept his disavowal; yet the language used would lead the ordinary layman to conclude that the Senator had in mind the idea that we had been in a way purposely and needlessly delaying the passage of the pending appropriation bill. That would be of the nature, of course, of a filibuster. Anyone who will read the RECORD, however, will come to the conclusion that the debate thus far has been perfectly legitimate, and it has been.

The Senator from North Carolina suggested that more discussion had been had with reference to appropriation bills this session than ever before. I want to suggest to the Senator that we on this side of the Chamber have more of an excuse now to consider appropriation bills very carefully than ever before. The "captain of the team" on the other side of the Chamber made a speech in Indianapolis a few days ago in which he gloried in the fact—at least he claimed it was a fact—that his "team" had been able to slip into a bill a particular provision that the Republicans knew nothing about. He seemed to take much satisfaction out of the fact that under his captaincy his "team" had been able, to use a common phrase, to "put it over" on our side of the Chamber. I have heard of "jokers" in bills, and that has always been my idea of what a joker is—something slipped in without consideration, without notification or advice to the other side, slipped in quietly and surreptitiously and in the dark, without discussion, without education with reference to the matter.

Mr. HARDWICK. Mr. President, will the Senator yield at that point?

Mr. JONES. Oh, certainly; with pleasure.

Mr. HARDWICK. Would the Senator mind quoting the exact language of the President? Unless I read his address wrong, he did not use any such language as the Senator is using.

Mr. JONES. I am not pretending to quote the language of the President.

Mr. HARDWICK. The Senator has used the words "slipped in surreptitiously."

Mr. JONES. My recollection is that the President used those words. If he did not, he used words that mean that.

Mr. HARDWICK. I will get the address.

Mr. JONES. I shall be very glad if the Senator will quote the President's exact language. I dislike to take the time of the Senate to stop now and look up the President's message and examine it to find just what the exact language was; but I do know that the President expressed an exultant note, an exultant feeling, that something had been put into the bill that the Republicans did not know anything about and did not "get on to it" until after the bill had been passed and enacted into law.

Mr. CLAPP and Mr. GALLINGER addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Washington yield; and if so, to whom?

Mr. JONES. The Senator from Minnesota interrupted first, and I yield to him.

Mr. CLAPP. I wish to say that the only person who was oblivious as to the contents of the bill with reference to the proposition to afford a junket was the President himself. The matter was fully discussed by the committee, and I think on the floor, and objected to on the ground that we had already provided either one or two just such junketing trips during that session of Congress. If that constitutes a tariff commission, we now have two, if not three, tariff commissions.

Mr. GALLINGER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Washington yield to the Senator from New Hampshire?

Mr. JONES. Certainly; I yield to the Senator from New Hampshire.

Mr. GALLINGER. Is my memory correct or is it at fault? Did not the President use the words "Woodrow chuckled" in connection with that matter?

Mr. JONES. I think so; since the Senator has refreshed my memory that is my recollection. But, of course, the address has been put into the RECORD, and it will speak for itself as to whether or not the President used that language.

Mr. SWANSON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Washington yield to the Senator from Virginia?

Mr. JONES. I shall do so in just a moment.

The President certainly did chuckle audibly in his address at what he thought had been "put over" on this side of the Chamber. Now I will yield to the Senator from Virginia.

Mr. SWANSON. As I understand, a fair interpretation of the President's speech would be that he was surprised that many Republicans should now be clamoring to pass in Congress something that had already been passed—legislation for the appointment of a commission that could investigate matters connected with the tariff; and he chuckled that he had knowledge enough to know that if that were wise, it had been provided for, and other people did not know it. There was no evidence that it had been done surreptitiously. As I understand, it passed the other House, then came over here in the House bill, and was discussed in the Senate. I have no doubt the President was surprised that some Republicans had been trying to get legislation that had already been provided for.

Mr. REED. Mr. President——

The PRESIDING OFFICER. Does the Senator from Washington yield to the Senator from Missouri?

Mr. JONES. Certainly.

Mr. REED. I merely wish to remark that if one-tenth of the presidential crimes were committed which Taft charged to Roosevelt and which Roosevelt charged to Taft, then, if a Democratic President has done nothing worse than to "chuckle," we are, indeed, progressing.

Mr. HARDWICK. Mr. President, will the Senator from Washington yield to me?

The PRESIDING OFFICER. Does the Senator from Washington yield to the Senator from Georgia?

Mr. JONES. I yield.

Mr. HARDWICK. I have here the exact words the President used, and they do not justify, in my judgment, any such characterization as has been made of them either by the Senator from Washington or elsewhere.

Mr. JONES. I shall be very glad to have the Senator read the language.

Mr. HARDWICK. Very well, sir, if the Senator will yield to me for that purpose I shall do so.

It is as follows:

That kind of science I do not care to know anything about, except enough to stop it. But if by scientific treatment of the tariff they mean adjustment to the actual trade conditions of America and the world, then I am with them; and I want to call their attention, for though they voted for it they apparently have not noticed it, to the fact that the bill which creates the new trade commission does that very thing. We were at pains to see that it was put in there. That commission is authorized and empowered to inquire into and report to Congress not only upon all the conditions of trade in this country, but upon the conditions of trade, the cost of manufacture, the cost of transportation—all the things that enter into the question of the tariff—in foreign countries as well as in the United States, and into all those questions of foreign combinations which affect international trade between Europe and the United States. It has the full powers which will guide Congress in the scientific treatment of questions of international trade. Being by profession a schoolmaster, I am glad to point that out to the class of uninstructed Republicans, though I have not always taught in the primary grade.

Mr. JONES. Of course the Senator can construe that language just as he pleases; I shall construe it as I understand it; and I think it bears out fully what I said a moment ago, that the President was exulting in the fact that he thought he had put something in this bill which the Republicans did not know anything about. He says substantially, "We put it in; we worked it out; we were at pains to see that it was put in there."

Mr. HARDWICK. Mr. President, if the Senator will pardon me, the President was merely expressing his deep regret at the ignorance of the uninstructed Republicans.

Mr. JONES. Oh, yes; that is true. Of course he used very dignified language in the address where he charged Senators on this side of the Chamber with being ignoramuses. He did not use the word "ignoramus"; I will admit that, but that is what he meant. I do not complain at his language. I suppose he honestly believed what he said.

Mr. WILLIAMS. Well, a rose by any other name would smell as sweet.

Mr. JONES. As my friend from Mississippi suggests, a rose by any other name would smell just as sweet.

Mr. WORKS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Washington yield to the Senator from California?

Mr. JONES. Certainly; I yield.

Mr. WORKS. I should like to suggest that if the President has "put anything over" on anybody, it has been on the Democrats and not the Republicans. We have been earnestly favoring a tariff commission for a long time.

Mr. JONES. I think so. I have been wondering whether the President has come over to the policy of protection, because, according to the Democratic theory, a tariff commission is not needed, and you have always said so; so that if we do need a tariff commission and there was put in the bill a provision for a tariff commission to take into consideration the differences in the conditions of manufacture and in the cost of production as between this country and foreign countries, it has been put in to carry out a policy of the Republicans, a policy in which they believe. So that, as the Senator from California suggests, the President is probably 'putting something over" on his team, and it may be possible that when you get into caucus this afternoon you will have orders there to take up a protective tariff system, or something of that sort, to meet the present emergency; I do not know.

Mr. REED. Mr. President——

The PRESIDING OFFICER. Does the Senator from Washington yield to the Senator from Missouri?

Mr. JONES. Gladly.

Mr. REED. If the President has adopted a Republican policy, as the Senator insists, and has played directly into the hands of the Republicans, as the Senator insists, I should like to know what he is making all this noise about? He ought not to complain even at the Greeks bearing gifts.

Mr. JONES. Mr. President, I am not insisting that the President has done this; I am merely wondering if it is true. I wish to say to the Senator from Missouri that I would welcome the support of the President in behalf of protection; I will be glad if he does issue orders to his team to favor the protective system and put it into effect; and I believe that would more nearly insure the continuance of the Democratic Party in power than any other thing he could do. If he should follow the suggestion and recommendation of the Democratic national committeeman from the State of New York, things would not look so rosy for us Republicans as they do now. Nor am I complaining for his coming around to the Republican view.

Mr. REED. Mr. President——

Mr. JONES. I gladly yield to the Senator from Missouri

Mr. REED. I do not know for which wing of the Republican Party the Senator is speaking, whether he is speaking for the revitalized stand-pat element, which he and certain other Senators were condemning only a few months ago, or whether he is speaking for that moribund and rapidly shrinking animal known as the "Bull Moose"; but I can say to the Senator that there is nothing in the language of the President to indicate that he has in the slightest degree abandoned the Democratic doctrine—that taxation should only be levied for the support of the Government and that no government has the right to pick the pockets of all the people for the benefit of a few of the people, particularly when the few are wealthy corporations already grown too great and powerful.

The Senator fails to distinguish between a remark which indicates that a board has been created which has the power to gather certain data and information and an abandonment of a well-known national policy. The Senator seems to think that if the Democratic Party were to get information through this board it necessarily would employ it as he might employ it or as one branch of his party might employ it, for the purpose of ascertaining how much more they could take out of the pockets of the people and transfer into the coffers of some manufacturers.

I want to say to the Senator another thing in reply to his remark that we may get orders in our caucus this afternoon from the President. The Democratic caucus has not been taking orders from the President, and he has not been sending orders there. The Democratic conference will meet this afternoon and discuss propositions in its own way relating to the public business and will not be interfered with by anybody. The Senator can disabuse his mind of that, as he might well disabuse his mind of the thought that by distorting and twisting the plain language of the President, and after it has been read still standing for the distortion and insisting upon the twisting process—that by such means as that he will deceive anyone in the United States as to the intention or utterances of the President or will conceal his own purposes.

Mr. JONES. Mr. President, my recollection is that in that address the President also, to a certain extent, divided the Democrats into classes; and I think he referred to some who were sitting on the brakes or the traces, or something like that, retarding the wagon or injuring the team and affecting the virility and the efficacy of the team. I do not know whether or not he placed the Senator from Missouri in that class, and I do not know whether or not the Senator from Missouri is really authorized to speak for the President, but I do know that he could not have a better spokesman than the Senator from Missouri, and I say that very sincerely.

Mr. REED. Mr. President——

Mr. JONES. I gladly yield to the Senator, although I hope the Senator from North Carolina will not charge me with filibustering by yielding to his friends on the other side, because I am not. I am really anxious to get along.

Mr. SIMMONS. If the Senator will pardon me, of course I do not wish to interfere with the Senator from Missouri, but the Senator from Missouri seems to be in doubt about what the Senator from Washington is trying to do. I am not in any doubt about it. It has been apparent to me for some time that the Senator from Washington was trying to play the favorite Republican game recently, of setting up a man of straw and knocking him down, and feel it is a little ungracious for my Democratic colleagues to interfere with the Senator in that delightful Republican game.

Mr. JONES. Now, I gladly yield to the Senator from Missouri.

Mr. REED. Mr. President, I only rose to say that I do not pretend to be the authorized spokesman of the President of the United States. I never made such a pretension, and I do not

know of any other person who is authorized to act as his spokesman. Of all the men in this country to-day who are abundantly able to speak for themselves, Woodrow Wilson stands preeminently at the head; but when the plain language uttered by any man in public place is sought to be distorted and a sinister meaning given to it, I have the right as a Member of the Senate and as an humble member of the Democratic Party, which I have always been and always will be, to direct attention to the fact that the language employed by the President is not susceptible of the construction sought to be placed upon it.

I would not have taken this much time if the Senator had been the first man who had raised this construction. The leader of the minority in the House of Representatives is quoted in the public press as having uttered very similar sentiments. The truth about the matter is that the speech of the President evidently struck home, and there has been a good deal of squirming ever since, and I make the prediction that the "galled jade" will wince quite frequently in the future.

Mr. JONES. Mr. President, I assure the Senator from Missouri that I do not feel like the "galled jade." I would vote this minute to print that speech and send it to every man, woman, and child in the United States. It would be the best document for Republicans that could be sent out. The Senator suggests that we have distorted the meaning of the President's address. Well, practically every newspaper that came out the morning after that speech was delivered had big headlines calling attention to what the President had "put over" on the Republicans; and I am satisfied that every man who will read that speech and every man who read that speech at that time has the impression that the President was really delighted that he had apparently obtained something that the Republicans apparently had not "gotten on to."

I do not say that he suggests that it had been done insidiously, or anything of that sort, but that it had been put in; it had not been called to our attention; we did not know about it; it was something they had gotten in, and the President was delighted at the dexterity of his "team" in working out this matter without Republicans knowing about it.

Mr. JAMES. Mr. President, does the Senator think that the President——

The PRESIDING OFFICER. Does the Senator from Washington yield to the Senator from Kentucky?

Mr. JONES. Certainly, I yield to the Senator from Kentucky, although I am sorry to take so much time.

Mr. JAMES. I shall take only a moment. I want to suggest to the Senator from Washington that I do not believe the President would claim that he is able to put anything over the Republican Party. Since it put Taft over Roosevelt, I think they are adept in that regard, so that when it comes to "putting things over" I do not think anybody claims to have anything on the Republican Party.

Mr. JONES. I think the President was really delighted at the thought that he had done so.

Mr. JAMES. I think when it comes to "slipping things over" and "putting things over" nobody claims to excel the Republican Party.

Mr. JONES. I think the President was really delighted that he, a schoolmaster who had not taught very much in the primary grades, in the kindergarten, had been able to do something which he thought showed great dexterity; but I do not care to go into the proposition the Senator from Kentucky suggests. That would look like filibustering, it seems to me, and that matter has absolutely nothing to do with the matter before the Senate or with the question I am discussing. Should I do so, the Senator from North Carolina would have some cause to complain.

Mr. CLAPP. Mr. President, will the Senator yield to me for a moment?

Mr. JONES. Certainly.

Mr. CLAPP. I do not think the President's Indianapolis speech was justified. It is true he used the word "Republicans" as though all Democrats were familiar with the provision of the trade commission bill to which he referred and that no one else was familiar with it. He did that probably for political purposes. The vice of his speech—and I say it freely and frankly—was the intimation that he knew more about what was going on in connection with legislation than Senators knew. He simply used the word "Republicans" to relieve himself, as I firmly believe, from any suggestion of exulting over his political colleagues.

As a matter of fact, the committee knew the provision was in the bill; they discussed it in the committee; they discussed the fact that similar provisions for similar trips to Europe had been put in other legislation; but still it was thought well enough to leave the provision in the trade commission bill. Every member of the committee was aware—and, if my memory serves me right, it was pointed out here on the floor—of that fact, and I do not think the President of the United States has a right to go out and make a speech which casts a reflection not only upon the Senate but upon the members of the committee having the bill in charge.

So far as the politics of it is concerned, I do not care two straws. I never was much of a partisan, and the older I get the less of a partisan I am, but I was a member of the committee having the trade commission bill in charge, and I have no hesitation in standing here and saying that, either intentionally or unintentionally, the President created a false impression as to the knowledge of the members of that committee as to what was in the bill and the scope of the bill.

Mr. JONES. Mr. President, the Senator from Missouri said that the Democratic caucus would not take orders from the captain of the team. I know that the Senator from Missouri will not take orders from the captain of the team, but I am not so sure about the caucus. As I understand, the caucus determines its action through a majority vote, and if a majority gets its orders it will probably obey. I doubt if the President would give to the Senator from Missouri the encomium that he did with reference to a couple of other very distinguished Senators in this body. I do not know whether the President stays awake nights with reference to what the Senator from Missouri may do or not. Possibly he does not; but I know the Senator from Missouri acts in accordance with his honest judgment on the floor of the Senate, so far as that is concerned, and the President knows it would do no good to lay awake nights about what he will do.

I did not expect to create all this discussion over this little matter. I simply referred to this suggestion of the President for this purpose—and I should like the attention of the Senator from North Carolina, not at all for the purpose of involving him in what he thinks is a filibuster, but to suggest to him the very reason why I made that suggestion about the President's reference, and this is really what I have been trying to get a chance to say for some time and the only reason I referred to it.

I have the impression, and a great many people have the impression, that the President took some delight in putting something into the Trade Commission bill, or that something was gotten in, that we Republicans did not know about. Now, I am afraid in the case of these appropriation bills that the team, under the leadership and orders of the captain, may try to slip in some more things that we do not know anything about. If they will do it once, they will do it again. Therefore, as one Republican—I have not talked with others—I feel that we ought to scrutinize these bills very carefully, because while, to use the language of the President, we are "ignorant," we might stumble on to something that would injuriously affect the people. So it seems to me that we are justified in scanning very carefully and very closely every measure that our Democratic friends bring in here to see whether they are getting in something else that they can boast about afterwards as something that we did not know anything about. We ought to watch the bills.

Mr. SIMMONS. I should like to inquire of the Senator whether he has read the bill.

Mr. JONES. I certainly have.

Mr. SIMMONS. Did the Senator move to strike anything out of it? Did he find anything bad in it?

Mr. JONES. Why, Mr. President, I am a humble member of the committee that has charge of the bill.

Mr. SIMMONS. Yes. The Senator had opportunity to see it when it was before the committee, did he not?

Mr. JONES. Oh, the Senator from North Carolina can not point to any time when I have been delaying the District of Columbia bill.

Mr. SIMMONS. I am not objecting to the Senator's moving to strike out anything that is in the bill. What I am objecting to is suspending the rules for the purpose of putting on the bill some general legislation.

Mr. JONES. Mr. President, there is one appropriation bill before one of the Senate committees now that contains new legislation that, if properly considered, will take all the rest of the time of the Senate this session. You will bring that bill in here before very long and you will want to pass it without any consideration and without any discussion. Do you think we ought to let you do it? I do not. I do not believe, for the good of the country, that we ought to let you put in these things without considering them. There is a whole lot of legislation in that bill. Whether it is good legislation or not I do not know yet, but it ought to be considered and it will be considered. Senators on the other side rather reflect upon the intelligence of the people of this country if they think they can make the

people believe that they ought to be permitted to pass legislation through this body without consideration and without discussion. The mere fact that your captain says a thing is right does not end it.

The Senator says we have a program to put through. I have heard about it. I was told some time ago, or I saw in the public press, that the Democratic caucus had met and had decided upon a program, and that what they had decided to do was to pass the appropriation bills; that all other legislation would be laid aside in order to get the appropriation bills through, and then, if they had time, of course, they would take up other matters. Now, I understand that a Democratic caucus is to be called this afternoon. I have not the honor to be a member of it. I do not know why it is called, but I suppose it is to get the team together to try to change the program, and possibly adopt another program.

Probably I ought not to suggest that this caucus may be called upon the suggestion, possibly, if not the order, of the captain of the team. I suppose that the conferences of a team are usually called by the leader and by the captain or at least at his suggestion; so possibly the captain has called the Democratic team together in caucus in order to change the program and adopt a new program and endeavor to put it through. The secret caucus seems to be the place to do things now rather than in the open Senate.

I do not know whether it is true or not, but we hear it said that there are certain measures that must be put through. I want to say to the Senator from North Carolina, however, that he will know when I am filibustering. He will know it without any suggestion of a deduction. I want to say to him, however, that the measures he proposes to put through will not be put through without discussion and without consideration, and that discussion and consideration are not filibustering. There will be legitimate discussion and legitimate consideration, and you may call it what you please.

Mr. SIMMONS. The Senator need not remind me that I will know when he is filibustering. I have seen him in action once before, when the little matter of a clerk was involved.

Mr. JONES. Yes; and that was taken care of, too. [Laughter.] Whenever I want to filibuster again it will be right along those same lines, and it will be even a more effective one than that. So I do not want the Senator to conclude, because I yield to my Democratic friends on the other side to interrupt me, that I am engaged in a filibuster, because I am not. I want to be very courteous to my friends over there, and I wanted to call attention to these matters. I would not have referred to them at all; in fact, they never occurred to me until my friend from North Carolina spoke. If anybody is responsible for the use of this time, I shall have to lay the responsibility upon the Senator from North Carolina; and I will tell him privately what I have told him so many times before with reference to various bills in which he has been interested.

The Senator from Kentucky [Mr. JAMES] says, "Let us have a referendum for the people of the District of Columbia," and yet he is going to vote to prevent it. He is going to vote to shut us out of any opportunity to consider a referendum on this proposition for the people of the District of Columbia. He is going to vote against the suspension of the rules. If he would suspend the rules, then this amendment would be subject to amendment. He could provide for his referendum and submit it to the people of the District of Columbia; but in one breath denouncing us for not having these things referred to the District of Columbia, in the next breath he announces that he is going to vote against the suspension of the rules.

Mr. President, I am going to come now to what I intended to say if I had had an opportunity yesterday, or to what I would have said already to-day except for my friend from North Carolina.

It is a significant fact, which I trust the country will not overlook, that not a Senator on either side of this Chamber rises in his place and defends the liquor traffic or points to any good that it does or ever has done. No industry can long exist under such a condition as that, especially an industry that exists to-day only by sufferance. But, as has been said, the real issue upon which the Senate is now to vote is not prohibition for the District of Columbia, but whether the Senate will permit itself to vote upon that question directly. By a majority vote the other day, which, Mr. President, the majority to-morrow, upon any other proposition, could reverse by a majority vote, it was decided that it will take a two-thirds vote to suspend the rules of the Senate so that the amendment proposed by the Senator from Texas will be in order when presented.

I do not share the pessimism of the Senator from Kansas [Mr. BRISTOW] or the Senator from South Dakota [Mr. CRAWFORD]. I will not believe until the vote is cast that one-third of the Senate will say that a vote shall be denied by the Senate upon such a vital question as this. Every Senator who believes in prohibition will surely give the Senate an opportunity so to express itself. Every Senator who believes in the will of the majority being expressed in legislation will surely vote to give such majority a chance to express itself; and I do not now believe that one-third of the Senate is in favor of refusing the majority this right. We shall see and the country shall see whether the Senate itself will deny to itself the opportunity to vote directly and squarely upon the merits of this proposition, in which the people are interested as in no other question that has agitated the people of this country.

This amendment is in a sense germane to this bill. This bill deals entirely with the District of Columbia; and with all due respect to the opinion of the able Senator who now presides over this body, I do not believe the District of Columbia appropriation bill is a general appropriation bill within the meaning and intent of the rule that has been invoked in this case. It is not a general appropriation bill. We are sitting here as the common council of the District of Columbia.

The PRESIDING OFFICER. The speaker having referred to the Presiding Officer, will he permit the Presiding Officer to inquire, if that is the case, why he wants to suspend the rules?

Mr. JONES. Mr. President, I did not present or suggest this motion to suspend the rules, but I am glad to support the Senator who did. He submits it regularly and in accordance with the rules of this body. That issue has been presented. But I submit, in view of the suggestion made by the learned Senator from Montana, that this is not a general appropriation bill within the intent and meaning of the language of that rule. I believe in that rule. I believe that it serves a good purpose. I do not believe that means, however, that it never should be suspended, even in regard to general appropriation bills. But the argument that we should not now vote to suspend this rule because of the necessity of such a rule as that with reference to general appropriation bills is certainly weakened by reason of the fact that this is a bill that applies solely and only to the District of Columbia.

This bill provides for the maintenance of the government of the District of Columbia and the care of its people. The plea that this is legislation upon an appropriation bill does not have the force against this amendment that it would have against a bill covering the whole United States. This amendment relates only, as I said, to the District of Columbia. It involves a question that has been debated in this Chamber, and especially out of this Chamber, more than any other question that agitates the American people. Every Senator is thoroughly informed upon it and upon the conditions here, and has definite and certain views regarding it. If this amendment is made in order, we can discuss it just as ably and vote upon it just as intelligently as if it were presented in another bill.

I want to call the attention of some of those representing the liquor interests who have honored us with their presence in the gallery to-day to the fact that Senators have announced on this floor that while they are going to vote against the suspension of this rule they are with us on the proposition as a separate bill, and that not only do not Senators rise on either side and say anything good of this traffic, but they rise and indignantly repudiate what they think are suggestions that they are friendly to this interest, and assert that upon a separate bill they will vote in a way that will abolish this traffic; and such a bill will pass before very long, if not as an amendment here, then as a separate measure.

The Senator from Kentucky [Mr. JAMES] suggests that we should have a referendum. I shall be glad to meet that question when it comes up; and if, as I said awhile ago, he will vote to suspend this rule and make this amendment in order, then he will have an opportunity to submit that amendment, and we will gladly consider it, vote upon it, and pass it or reject it as the majority of the Senate may deem wise.

The conduct of the liquor interests in the District of Columbia fully justifies the action proposed to the Senate to-day. It has defied Congress; it has nullified its laws; it deserves no leniency at our hands. I have some facts that I want to call to the attention of the Senate which I believe will appeal to the fair and impartial judgment of the ambassadors of the sovereign States of the Union representing not only those States but the people of those States. In order to do this I must go back a couple of years; and now I am going to present some facts that I hope the Senators will consider, and that I think ought to be considered, while we are determining the action we must take with reference to this matter.

Two years ago we passed a general excise law for the District of Columbia. Why did we do it? We did it because for 19 or more years the District of Columbia had been going on

under a condition of things that was a disgrace to any city of the Union. Men and women had been knocking at the doors of Congress asking for legislation to better conditions. They did not come to the Senate and ask for a prohibition measure then. They came to us and asked that we might pass a law that would improve conditions, that would cut the saloons out of residential districts, that would take them away from the mouths of the slums and the dwelling alleys of this city, that would remove the great congestion which existed in certain localities, that would insure the better conduct of those places where the business was carried on, and that would limit the number of saloons. A subcommittee of the Senate Committee on the District of Columbia held hearings for a week. We looked into the conditions carefully, and we reported a bill, not an amendment, for passage through this body. That bill was passed as an amendment on the District of Columbia appropriation bill. We could not get unanimous consent for its consideration in this body. We did not ask to suspend the rules of this body. With reference to that measure we followed another course. We followed a course that the rules provide, just as the Senator from Texas has followed a course that the rules provide. The rules of this body provide that any point of order made to any amendment offered to an appropriation bill or otherwise may be submitted by the presiding officer to the Senate for its decision, on the theory, I suppose, that the Senate is an independent, self-governing body, and that whatever the Senate says it wants to do it can do. When the District of Columbia bill came up I offered that bill as an amendment to the District of Columbia bill. The point of order was raised. The presiding officer submitted the question to the Senate, and the Senate said: "It is in order," and adopted it, and it passed through this body as a part of the District of Columbia appropriation bill.

Why, Mr. President, did we take that course? We had passed it through this body. I was mistaken a moment ago. We had passed it through this body as a separate measure. We did get it up as a separate measure and passed it. The Senator from Utah [Mr. SMOOT] says that makes a difference. No, Mr. President; the fact that a bill of general legislation has passed the Senate does not make it in order upon an appropriation bill per se; not at all. It may have some little influence with Senators, of course, and very properly so; but why was it, Mr. President, that we found it necessary to offer that bill as an amendment to an appropriation bill? I want to tell the Senate, and go just as far as I can in a parliamentary way to do so, and that will give one reason, at any rate, why it is necessary to place some of these things upon an appropriation bill.

We passed that excise bill through the Senate. It went to a committee of another body, and there it lay for almost a year. Why? I do not know, Mr. President, but the representatives of the liquor people said, and made their boasts, that that bill never should come from that committee. I do not charge that they used improper influences, but I state as a fact that, from the time the bill went into that committee until it was placed as a rider upon the District of Columbia appropriation bill, that committee never had a quorum to do business.

That is one reason why the Senate, in dealing with a question that relates to this traffic in the District of Columbia, must adopt methods of this kind in order to accomplish what they think ought to be accomplished. These men had made their boast that they had the bill killed; that it never could become the law. That is the reason why we proposed to put it upon the District of Columbia appropriation bill in the Senate. It was put on in the manner I have stated; and then, Mr. President, it may be unparliamentary for me to say that a special rule was brought in to be passed in another body in order to force that amendment to conference, but it failed of passage, and therefore I will not say it. [Laughter.] It may be unparliamentary for me to say that in another body, for days and even weeks, the District of Columbia appropriation bill was held up in the hope that they could secure enough votes to send that amendment to conference, where they hoped to kill it, and therefore I shall not say it. [Laughter.] Finally, Mr. President, it may also be unparliamentary for me to say that when they saw they could not get it into conference they agreed upon a substitute that carried all the important provisions of the amendment that we put on, and that then it was sent to conference with the understanding that it would be agreed to, and therefore I will not say it. [Laughter.]

That is the way, Mr. President, we had to proceed to pass the excise law of the District of Columbia which we have on the statute books now. That is the course we had to take to pass a regulatory measure.

Mr. President, what is wrong? Why the necessity for this legislation in view of that legislation? Well, Mr. President, the results which have been brought about under that law justify this action.

I wish to read a couple of resolutions which were adopted some time ago. One of the resolutions is by the headquarters committee of the Anti-Saloon League of the District of Columbia; and, my friend, these are the substantial people of this country. These are among the best men and the best women of this country. These are not men and women who are urging that we do nothing to curtail the traffic for which no man stands on this floor and says a good word. These are some of the men and women who are especially interested in the homes of the country and in the boys and girls of the country. Resolutions passed by them are worthy of consideration by this honorable body. What do they say? They say:

NOVEMBER 5, 1914.

At a meeting of the headquarters committee of the Anti-Saloon League of the District of Columbia, held at the office of the president of the league the afternoon of Thursday, November 5, 1914, the following resolution was adopted:

"*Resolved*, That in behalf of its constituency of churches and other local organizations of the best citizens of the District, the league indignantly protests against the recent grant by the excise board of 100 or more licenses contrary to the spirit of the Jones-Works law, and many of them clearly contrary to its letter."

Adopted by headquarters committee, November, 1914.

Then another resolution, adopted December 7 by the Anti-Saloon League of the District of Columbia, is as follows:

DECEMBER 7, 1914.

Whereas Congress, by enacting the Jones-Works excise law, endeavored to relieve the deplorable saloon conditions in the District of Columbia; and

Whereas the excise board, charged with the administration of said law, has apparently ignored every prohibitive section, in part at least, in the granting of licenses, excepting the one limiting the number of saloons to 300, and certain other sections fixing certain prohibition zones, such as the 1,000-feet zone around the navy yard and Marine Barracks grounds; and

Whereas wholesale licenses are being granted in residential districts; and

Whereas such actions of the excise board bid fair to lead to a great public scandal; and

Whereas the liquor traffic, neither here nor elsewhere, obeys the law: Be it

*Resolved*, That the Anti-Saloon League of the District of Columbia this 7th day of December, 1914, expresses its indignation at the existing conditions of excise affairs, and hereby announces its determination to work from now on for absolute prohibition as the only effective solution of the liquor problem in this District.

I have some facts here that I propose to present to the Senate which I think fully substantiate those resolutions, and which I think ought to be heard by Senators in reaching a determination as to what course they will take with reference to this proposition.

Mr. President, not for the purpose of hearing what I have to say, but for the purpose, if possible, of getting the facts to the Senators, who must pass on this proposition, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

| | | | |
|---|---|---|---|
| Bankhead | Gore | O'Gorman | Smith, Ga. |
| Brandegee | Gronna | Oliver | Smith, Md. |
| Bristow | Hardwick | Owen | Smoot |
| Bryan | Hitchcock | Page | Stephenson |
| Burleigh | Hollis | Perkins | Sterling |
| Burton | Hughes | Pittman | Stone |
| Chamberlain | Jones | Ransdell | Sutherland |
| Chilton | Kenyon | Reed | Swanson |
| Clapp | Kern | Root | Thomas |
| Clark, Wyo. | La Follette | Saulsbury | Thornton |
| Clarke, Ark. | Lea, Tenn. | Shafroth | Tillman |
| Colt | Lee, Md. | Sheppard | Vardaman |
| Culberson | Lippitt | Sherman | Walsh |
| Cummins | Lodge | Shields | White |
| Dillingham | McLean | Shively | Williams |
| Fletcher | Nelson | Simmons | Works |
| Gallinger | Norris | Smith, Ariz. | |

Mr. CLARK of Wyoming. I wish to announce the unavoidable absence of my colleague [Mr. WARREN]. I desire this statement to stand for the day.

Mr. GRONNA. I wish to announce that my colleague [Mr. MCCUMBER] is unavoidably absent from the city. He is paired with the junior Senator from Kentucky [Mr. CAMDEN].

The PRESIDING OFFICER. Sixty-seven Senators have answered to their names. A quorum is present. The Senator from Washington will proceed.

Mr. JONES. Mr. President, as I stated, I called this quorum not that Senators might hear me speak, but in order that I might present some facts to them that I think will appeal to them in connection with the consideration of this measure. I wish to call their attention now to certain facts.

In the excise law that we passed under the conditions I have just described there is this provision:

No saloon, barroom, or other place wherein intoxicating liquor is sold at retail or wholesale, other than hotels and clubs, shall be licensed,

allowed, or maintained within 400 feet of any public schoolhouse, or a now located or established college, or university, or within 400 feet of any now established house of religious worship, measured between the nearest entrances to each by the shortest course of travel between such places of business and such public schoolhouse, college, or university, or established house of religious worship.

Mr. President, there have been allowed licenses for 18 saloons in violation of that provision of the law. I have here a list of these saloons. One of them is the saloon of John J. Allen, 807 North Capitol Street, by a careful measurement 397 feet from St. Aloysius Church. The saloon of Michael Daly, 1319 Seventh Street, 397 feet from the Church of the Immaculate Conception by long measurement, 347 by the shortest and most direct route, as provided in the statute. John D. O'Conner, 918 Ninth Street, 328 feet from the College of Pharmacy, 375 feet by the longer measurement. August H. Plugge, 1317 Seventh Street NW., 329 feet from the Church of the Immaculate Conception, 379 feet by the longer measurement, measured by right angles. Let me ask permission to insert this list in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered. The Chair hears none.

The list referred to is as follows:

The following-named saloon keepers were granted licenses for the year beginning November 1, 1914, for places located within 400 feet of houses of religious worship, public schoolhouses, colleges, or universities, according to measurements made by "the shortest course of travel" from entrance to entrance. Some are within the prescribed distance by longer measurements:

John J. Allen, 807 North Capitol Street, 397 feet to St. Aloysius Church.

Michael Daly, 1319 Seventh Street NW., 397 feet to Church of Emaculate Conception by long measurement, 347 feet to Church of Emaculate Conception by short measurement.

John D. O'Conner, 918 Ninth Street NW., 328 feet to College of Pharmacy, 375 feet longer measurement.

August H. Plugge, 1317 Seventh Street NW., 329 feet of Emaculate Conception Church, 379 feet by longer way (right angles).

John J. Brosnan, 506 Four-and-a-half Street SW., 364 feet to Jewish Church on E Street.

James J. O'Donnell, 333 Pennsylvania Avenue SE., 385 feet to Metropolitan Presbyterian Church.

Patrick J. McDonald, 643 Pennsylvania Avenue SE., 364 feet to Wallach Public School.

John G. Graff, 222 Seventh Street SE., 393 feet to Eastern High School.

W. J. and Jeremiah Costello, 600 G Street NW., within 100 feet of Greek Catholic Church.

Margaret Casey, 114 H Street NW., within 200 feet of public school.

John T. O'Day, 921 Ninth Street NW., 367 feet to College of Pharmacy.

John F. Schriner, 730 Fourteenth Street NW., 336 feet to New York Avenue Church, New York Avenue entrance; 375 feet to New York Avenue Church, H Street entrance (measured at right angles).

Mary T. Schulz, 607 G Street NW., within 200 feet of Greek Church.

John F. Killeen, 1314 Wisconsin Avenue NW., 364 feet of Dumbarton Avenue Methodist Episcopal Church.

Charles H. Morris, 2029 K Street NW., 330 feet of Stevens Public School.

Robert H. Snook, 825 Seventh Street NW., 389 feet of Calvary Baptist Church.

Frank C. Poch, 900 Four-and-a-half Street SW., 393 feet to public schoolhouse.

Hugh F. Harvey, 1913 Pennsylvania Avenue NW., 340 feet to Union Methodist Episcopal Church.

Mr. JONES. I wish to call attention to the last one on the list, and that is the saloon of Hugh F. Harvey, 1913 Pennsylvaia Avenue NW., 340 feet to the Union Methodist Episcopal Church. I shall refer to Mr. Harvey a little later on.

Then, Mr. President, there is another provision in this excise law. It reads as follows:

Hereafter no license shall be granted for the establishment or maintenance of a barroom—

I invite the careful attention of Senators to the consideration of this language:

Hereafter no license shall be granted for the establishment or maintenance of a barroom or other place for the sale of intoxicating liquors, otherwise than in sealed packages and not to be drunk on the premises, in any residence portion of the District of Columbia; and it shall be the duty of the excise board to determine in the case of each application for license whether the location where the barroom is to be located is or is not within the business portion of the District, and if not the license shall be denied; and the excise board is hereby authorized and required to determine in each case what is so far devoted to business as to constitute it a business street or section.

Mr. President, when we framed that law we recognized the fact that it was pretty broad language, and that it gave this board a great deal of discretion in determining whether a section was a business section or a residential section. So in order to make certain the carrying out of what we had in mind we put in this language. Listen!

*Provided*, That no license shall be granted for any saloon or barroom on any side of any square, block, or tract of land where less than 50 per cent of the foot frontage, not including saloons or hotels and clubs having barroom licenses under this section, is used for business purposes; nor shall intoxicating liquors be sold at wholesale outside of the business districts as above provided.

In other words, Mr. President, the plain meaning of that language is that even if they say that a section is a business section they can not grant a license for a saloon or barroom where less than 50 per cent of the frontage, without counting hotels or clubs, is occupied by business houses. What have they done? The excise board have adopted a proviso without any authority of law, saying, "*Provided*, This restriction shall not refer to clubs and hotels." What authority have they to legislate? The law says that no license shall be granted to a saloon or barroom under certain conditions. What have they done? They have granted licenses in violation of that provision to 62 sellers of liquor in the District of Columbia. I know one square of my own personal knowledge where a barroom license has been granted and where there is not a single business house fronting on the square except the drug store on the corner.

Mr. President, I do not know how many more are like that, but the statement I have has been prepared by those who have given the matter very careful investigation and study. I believe we can rely upon the statement they have prepared.

I ask that this list of 62 licenses granted in violation of this provision may be inserted without reading.

The PRESIDING OFFICER. Without objection, it is so ordered.

The list referred to is as follows:

The Anti-Saloon League's careful investigation shows that the following barroom licenses were granted for the license year beginning November 1, 1914, on nonbusiness streets or in residence districts, contrary to the evident intent and purpose of the law:

Louise Gordon, 407 Q Street NW.; Theodore G. Stoner, 206 Seventh Street SW.; John T. Bronson, 614 Eleventh Street SW.; Mary A. Solan, 1003 Seventh Street NW.; Paul Allen, 2 N Street NE.; Patrick Raffery, 225 Eleventh Street NE.; Dennis J. O'Connell, 411 Four-and-a-half Street SW.; Gustave Brahler, 410 E Street NE.; Patrick J. Callen, 238 Second Street NW.; John Morris, 1610 U Street NW.; Peter Loftus, 329 Thirteen-and-a-half Street NW.; Austin Loftus, 302 N Street NW.; John E. Mergner, 415 East Capitol Street; Daniel F. Driscoll, 107 H Street NW.; John J. Sullivan, 1331 Thirty-fifth Street NW.; Michael J. O'Donoghue, 701 I Street SW.; Metropolitan Club, 1700 H Street NW.; Army and Navy Club, 1627 I Street NW.; Patrick J. McDonald, 643 Pennsylvania Avenue SE.; Henry C. Hibbs, 2000 K Street NW.; Lena Morgenweck, 12 Fourth Street NE.; Thomas J. Leonard, Anacostia; University Club, 900 Fifteenth Street NW.; Anna A. E. Klotz, 1708 G Street NW.; Patrick O'Donohue, 908 Fourth Street NW.; Bridget Leech, 1847 L Street NW.; Charles W. Edwards, 491 Missouri Avenue NW.; Daniel Scanlon, 105 H Street NW.; Stoneleigh Court, 1019 Connecticut Avenue NW.; David Cohen, 118 First Street NW.; Francis X. Cox, 1618 U Street NW.; John H. Harris, 15 Massachusetts Avenue NW.; Jeremiah Costello, 521 First Street SW.; The Portner apartment house, Fifteenth and U Streets NW.; Commercial Club, 1634 I Street NW.; Mary Sullivan, 73 I Street SE.; Daniel Doody, 1312 North Capitol Street; Mary E. Frank, 319 G Street NW.; Elks Club, 919 H Street NW.; Michael E. Buckley, 2028 M Street NW.; Hotel Gordon, 916 Sixteenth Street NW.; Congress Hall Hotel, 233 New Jersey Avenue SE.; Harry Winninger, 631 Pennsylvania Avenue SE.; John D. Kelliher, 1258 Water Street SW.; Washington Saengerbund (Inc.), 314 C Street NW.; Cairo apartment house, 1615 Q Street NW.; Capital Park Hotel, North Capitol and E Streets NW.; Luke J. Kearney, 1811 L Street NW.; Charles H. Morris, 2029 K Street NW.; Hugh J. McGinness, 1001 New York Avenue NW.; Charles Wolf, 1202 Water Street SW.; George F. Neitzey, 1106 Water Street SW.; John J. Madden, 401 Four-and-a-half Street SW.; Charles C. Leavens, corner New Jersey Avenue and C Street SE.; Walter Spauls, 2012 K Street NW.; William J. Boyle, 601 Massachusetts Avenue NW.; Patrick Smyth, 101 D Street SW.; The Monticello Club, 1301 Fourth Street NW.; Century Club, 815 Vermont Avenue NW.; Peter J. Lynagh, 523 Seventh Street SW.; Terminal Co., 44 G Street NE.; Hotel Bellevue, Fifteenth and I Streets NW.

Mr. SMOOT. Is there not a penalty attached to a violation of the law?

Mr. JONES. Certainly. Of course these people can be prosecuted, and I think they will be prosecuted, if we can ever get the legal machinery to work at it; but that is what has been done. I do not say what influences have brought it about, but it has been done. Every Senator here knows as well as I do how this business does things, how it works, how it influences. Here is another provision:

No saloon, barroom, or other place where intoxicating liquor is sold at retail shall be licensed, allowed, or maintained within 300 feet of any alleyway occupied for residences or of places commonly called slums, except upon the unanimous vote of all three members of said excise board.

Of course, Mr. President, they do not violate the law when the three members of the excise board grant a license for the location of a saloon in a case like that. Yet they knew what this law was passed for. They knew what that provision was inserted in it for. They knew that there are some perfect hell holes in the city of Washington which are a disgrace to the Nation's Capital, where men and women are huddled together under conditions and surroundings that can not be described; that they are made the prey of the vultures of commercialism; that saloons have been located at the entrance to these compounds, if you please, places where there is only one entrance and one egress, and these saloons have been located at the mouths of these entrances. We sought to drive them away. We endeavored to avoid the provision for the unanimous action of the board, but we could not get that, so we had to accept this provision; and we did it in the hope that the men who administered the law would seek to remedy the conditions that we sought to prohibit. What have they done? They have granted 28 licenses inside of 300 feet of these alleys and slums

of the District of Columbia. They have not violated the law in doing it, but they have violated the spirit of the law and they have thwarted the intention of Congress in regard to it.

I ask that this list of licenses granted within 300 feet of inhabited alleys be printed in the RECORD.

The PRESIDING OFFICER. Without objection, that order will be made. The Chair hears none.

The list referred to is as follows:

The following barrooms were licensed for the year beginning November 1, 1914, within 300 feet of inhabited alleys:

John P. Sheehan, 701 North Capitol Street; Michael McIrnerney, 1226 Seventh Street NW.; Terence Fegan, 930 Fourth Street NW.; Leopold Birkle, 1245 H Street NE.; Jeremiah O'Connor, 115 Four-and-a-half Street NW.; William E. O'Connor, 234 Four-and-a-half Street SW.; Michael J. Lynch, 350 Pennsylvania Avenue NW.; William Doyle, 1218 Wisconsin Avenue NW.; George P. Harrigan, 729 Ninth Street SW.; James O'Connor, 1429 North Capitol Street; George W. Hall, 927 Four-and-a-half Street SW.; William Hanlon, 1235 Seventh Street NW.; Stephen Chaconas, 468 Pennsylvania Avenue NW.; Daniel J. Alman, 244 Fourteenth Street SW.; Patrick F. Neligan, 1908 Fourteenth Street NW.; John M. Trant, 629 Four-and-a-half Street SW., Gregor Kramm, 224 Fourteenth Street SW.; Minnie E. Costello, 45 H Street NE ; John E. Bonini, 729 North Capitol Street; Kate H. Welch, 248 Third Street SW.; Maurice Ganey, 615 Seventh Street SW.; Patrick J. Bligh, 235 Four-and-a-half Street SW.; Patrick J. Daly, 626 Four-and-a-half Street SW.; Francis J. Stanton, 1205 Wisconsin Avenue; Michael T. Greene, 639 D Street SW.; William J. O'Leary, 733 North Capitol Street; William T. Babbington, 34 H Street NE.; Thomas Cannon, 1358 H Street NE.

Mr. JONES. Then, Mr. President, there is another provision in this law:

No saloon, barroom, or wholesale liquor business shall be licensed, maintained, or allowed in the territory west of the following lines—

Listen!

The westerly line of the fire limits as now established—

I want Senators to consider this language:

No saloon, barroom, or wholesale liquor business shall be licensed, maintained, or allowed in the territory west of the following lines: The westerly line of the fire limits as now established from its southerly limits to where the same intersects with the mile limit of the Soldiers' Home; thence westerly and northerly along the said mile limit until the same intersects with Kansas Avenue; thence along Kansas Avenue to its intersection with the northern boundary of the District of Columbia.

What was done, Mr. President? Just as soon as that law was passed, with a provision in it that it shall not take effect until, I think it was, the 1st of July, or five or six months afterwards, what was done? Somebody started out to move the fire limits of this territory. Why? They got some legal opinion of some kind from somebody that the words "as now established" did not refer to the date of the passage and approval of the law, but that they referred to the time, five or six months ahead, when the law should take effect. So they said: "If we can get the fire limits as described in the act changed we will save some saloons which now exist."

Senators, what do you think of a proceeding of that kind? What did we intend when we passed that act? Did we intend to say that in the district beyond some line hereafter to be fixed and hereafter to be established there shall be no saloon? What did we mean by the term "as now established"? We could have had nothing else in mind, Mr. President, except the fire limits of this city as they were at the time of the passage and approval of the law. Did they succeed in getting the fire limits changed? They did. The fire limits were changed, and they were extended so as to include within their limits two or three of the most disreputable establishments in the District of Columbia. One of them was located at the end of the Aqueduct Bridge, at Georgetown, where men and women going to and from the State of Virginia, going to and from work in the District of Columbia, were compelled to pass by and through its evil influences.

What did the excise board do? Did they grant licenses within the new limit so established? They did not have to do it. They could have refused to grant such licenses. If not within the terms of the law, they would have been clearly within the spirit and intent of it. Did they refuse to grant licenses to the saloons that Congress had almost in so many words said should not exist? No; they granted licenses for those saloons. They winked at, aided and abetted, and made effective this fraud upon the law they had sworn to enforce.

I will say, Mr. President, in justice to the excise board, that they got the opinion of the corporation counsel of the District of Columbia, and that his opinion in that case held that the limit established by Congress was the fire limit when the law went into effect and not under the language at the time it was passed and approved. So they had a legal opinion to sustain them in that proposition; but they did not have any compelling statute anywhere to compel them to grant such licenses, though the corporation counsel said they had a right to do it. I am glad to say that that question is now in the court, and that the court has intimated very strongly that there is scarcely any room for construction, but that Congress meant and described a specific line which existed when the law was passed and that no outside influence could in fact legislate for Congress. The board should not have hunted for legal quibbles to nullify the law. The very action taken to defeat its very evident purpose should have led them to deny these licenses. They seem to think they are the guardians of the liquor business rather than the conservators of the well-being of the people of the District.

Now, we put this provision in this law:

Said board shall consider and act upon all applications for license to sell intoxicating liquors, and may require a report thereon by the chief of police, and the action of said board shall be final and conclusive.

We did not provide there, of course, that they must follow the recommendation of the chief of police. We tried to get that provision in, but we could not pass the bill with it, and we had to except that provision. But what is the purpose of it? What would we naturally expect of men trying to carry out the spirit of the law that was passed to better conditions in the District of Columbia? Would you not expect them to follow the report of the men who have to enforce the law, men who know more about these places—how they are conducted, the character of the men who conduct them—than anybody else? Yet what was done. Listen, Mr. President.

About two years ago a man by the name of Edward J. Gardner was the proprietor of the Grand Hotel. It is located just across from the New Willard, just beyond Poli's Theater. He had a license to run a barroom in connection with that hotel. He maintained a beer garden in the basement. Many women frequented this place. He was arrested for selling and dispensing liquors to a minor, a girl not more than 18 years of age. He was convicted of dispensing liquors, but not of selling it to a minor. The trial court refused to enter an order of revocation of his license. An appeal was taken to the court of appeals; the lower court was reversed and the license was revoked.

What did he do? He formed a corporation, he holding the controlling interest in it. He became its manager and its treasurer. He applied for a license for the corporation, and the license was granted. He reopened his beer garden and has continued since in the usual objectionable way, according to the best information that we can get. The new excise board has renewed his barroom license; and now listen: The license this year was renewed in spite of a protest and a severe adverse report upon the application to the excise board by the captain of the police precinct. This is what the captain of the police precinct says about this application. This report was dated August 22, 1914, and is a matter of record:

The manager, Edward L. Gardner, conducts a garden in the basement of this hotel, where they have music and singing; dancing is allowed on a platform set aside for that purpose. This is a resort for street walkers and women of questionable character, and the result is a meeting place for men and women. In my opinion these conditions are objectionable in connection with a bar and should be eliminated.

J. L. SPRINKLE,
*Acting Captain, First Precinct.*

Mr. President, in the face of that fact a license was granted for that place. It is said, I do not know how true it is, that the police officer was reprimanded.

There is another instance I now want to give you. John H. Gordon had a license for a barroom at 407 Q Street in the northwest. He died February 13, 1914. Under the law his widow, in order to have the license transferred to her, should have made an application within 30 days. She did not do so; she made an application on the 28th day of April, 1914. A hearing was had before the board on May 19, 1914. The saloon was running all the time contrary to law. The board got the opinion of the corporation counsel. The corporation counsel said they had no right to run it; that the 30 days had expired. Did they close it up? Did the board reject the application? They did not act on it until when? Under date of June 26 a letter was written by Andrew Wilson, president of the Anti-Saloon League, to Hon. Frederick L. Siddons, Commissioner of the District of Columbia, asking that he take the matter up and see if he could not get the board to reject this application. Then it was rejected, and not until then. Mr. President, I ask permission to have the letter, which I hold in my hand, printed in the RECORD.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and permission is granted.

The letter referred to is as follows:

JUNE 26, 1914.

Hon. FREDERICK L. SIDDONS,
*Commissioner of the District of Columbia,*
*Washington, D. C.*

DEAR MR. COMMISSIONER: Your attention is respectfully called to the continued violation of the excise law at 407 Q Street NW. This place is undoubtedly being run without a license.

It appears John H. Gordon had a license for a barroom at said place. Mr. Gordon died February 13, 1914. On April 28, 1914,

Louise Gordon, the widow, made application for a transfer of the license from the estate to herself. Under the law no transfer could be permitted after the expiration of 30 days from the date of John H. Gordon's death. A hearing on the application was had before the excise board May 19, 1914. Many cases have been heard and acted upon since that hearing, and yet no decision in that case. This is all the more remarkable because, in addition to the plain provisions of the law, the corporation counsel has filed an opinion in the case. If the excise board can permit the violation of the law in this case, the same course can be pursued in any number of cases.

Not only as president of the Anti-Saloon League, but also as a citizen and as the owner of four houses in that general locality, I request that, as the commissioner in charge of the Metropolitan police, you close the said saloon at 407 Q Street NW. by taking whatever measures may be necessary and proper to accomplish the purpose.

Very respectfully, yours,

ANDREW WILSON.

Mr. JONES. In response to the above complaint Commissioner Siddons acted promptly, through the corporation counsel, and within a few hours the application was refused and the saloon closed.

Mr. President, here is another instance to which I wish to call the attention of the Senate. It shows what is done and what influences are brought to bear in connection with this business. On the first board there was appointed a gentleman by the name of Joseph T. Sheehy, an attorney of this District. It was thought that he was a man of high standing and high character. He served on the board for a while, long enough to get certain rules adopted, and then he resigned. What did he then do? He became the attorney before the board to act for those people desiring licenses and transfers of licenses. What use would anybody have for an attorney in such a case? The law prescribes the conditions under which licenses shall be issued or transferred. It does not seem as though the services of an attorney would be worth anything, and yet Mr. Sheehy's services seem to have been needed to secure certain action by the board. How valuable were the services of Mr. Sheehy considered in securing the transfer of a license—not in the granting of a license but in securing the transfer of a license? One man who desired a transfer of his license from the place where it was to another place entered into a contract to pay $5,500 to secure such a transfer, and Mr. Sheehy was one of his attorneys.

What was the purpose of agreeing to pay Mr. Sheehy $5,500 to secure the transfer of a license? Was that to pay him for legal services or was it to be used in some other way? I do not know, but I have my ideas about it. I do not see how the human mind can reach but one conclusion as to why they agreed to pay him $5,500. Do you have any doubt about this agreement? Do you have any doubt about this contract? If you have, I desire to say that in the Washington Law Reporter, volume 42, page 743, is a decision by the Supreme Court of the District of Columbia in a case entitled "William F. Columbus, plaintiff, against Joseph C. Sheehy, defendant," wherein this contract is set out.

How did it happen to get into court? It happened in just this way: Mr. Sheehy and another lawyer had a contract with the man wanting a transfer. Mr. Sheehy got $2,500 and the other lawyer got nothing. He thought Mr. Sheehy ought to divide, and he brought suit against him for his part of the $2,500 that had been collected. Here is the decision holding, of course, that such a contract as that is absolutely void and against public policy. Mr. Sheehy got the $2,500; the man got the transfer of his saloon license; and the other man brought the matter into court, so that we get the facts. Mr. President, I ask that this decision may be printed in the RECORD.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

The decision referred to is as follows:

SUPREME COURT OF THE DISTRICT OF COLUMBIA—WILLIAM F. COLUMBUS, PLAINTIFF, v. JOSEPH C. SHEEHY, DEFENDANT.

ATTORNEY AND CLIENT; CONTINGENT FEES; PUBLIC POLICY.

1. A party having a claim against an individual or against the Government may lawfully agree with attorneys for a contingent fee to be paid the latter for services in prosecuting such claim.

2. Where, however, the services to be rendered by the attorneys are to consist in securing the transfer of a liquor license from one location to some other, and the agreement is for a contingent fee to be paid upon success in securing such transfer, the contract is against public policy and is therefore void.

3. Where in an action by one of the attorneys so employed against the other to recover one-half of payments made by the client to defendant on account of such fee, held that the invalidity of the contract sued upon appearing from the affidavit of plaintiff no recovery could be had thereunder and judgment entered for defendant.

At law, No. 57265. Decided November 6, 1914.

Hearing on a motion for judgment under the seventy-third rule. Judgment for defendant.

Mr. L. A. Bailey for the plaintiff.

Mr. F. J. Hogan and Mr. D. W. Baker for the defendant.

Mr. Justice Stafford delivered the opinion of the court:

The cause was heard upon the plaintiff's motion under the seventy-third rule for judgment in his favor for the amount claimed in his declaration upon the ground that the affidavit of defense, if true, is insufficient to defeat the plaintiff's claim in whole or in part.

An examination of the declaration and fortifying affidavit shows that the plaintiff is attempting to enforce a contract that is clearly void as against public policy. Both the plaintiff and the defendant are practicing members of this bar. Prior to May 4, 1914, one McCarthy, a proprietor of a barroom license in the District of Columbia, requested the plaintiff to secure the transfer of said license to another location, the place to which said license then applied being in a restricted district, under the terms of the excise law. Thereupon the plaintiff invited the defendant to join with him in the tendered employment. The defendant accepted the invitation, and the plaintiff, the defendant, and McCarthy all subscribed a contract in the following words:

"Fee agreement, made this 4th day of May, 1914, between Dennis J. McCarthy, party of the first part, and William F. Columbus and Joseph C. Sheehy, parties of the second part, is as follows:

"1. The party of the first part hereby employs the parties of the second part to represent him before the excise board of the District of Columbia in the matter of his application for a transfer of his license from No. 332 Fourteenth Street SW. to the ground floor of the Evans Building, or elsewhere.

"2. The party of the first part shall pay the parties of the second part a retainer of $500 and an additional fee of $5,000 should his license be transferred to the ground floor of the Evans Building or elsewhere.

"3. The parties of the second part accept the employment aforesaid and will endeavor to secure the transfer of the license of the party of the first part."

Thereupon McCarthy paid the $500 retaining fee called for by the contract and the same was divided equally between the plaintiff and defendant. After the public hearing on the application for the transfer before the excise board, the plaintiff and defendant both participating therein, the board granted the transfer. Thereafter defendant collected $2,500 of the $5,000 contingent fee from McCarthy and refuses to divide the same with the plaintiff. The plaintiff finding himself unable to collect of McCarthy now seeks to recover in this action one-half of the $2,500 collected by the defendant, upon the theory that they were equal partners in the business, and that anything collected by either must be equally divided between the two. It will not be necessary to consider the sufficiency of the defendant's affidavit, but it may be fair to state that his position seems to be that he was to have his fee of $2,500 whether the plaintiff received anything or not.

The question to be decided by the excise board was one to be determined in the public interest. McCarthy had no legal right to have his license transferred. (See the excise law, 37 Stat., 997.) McCarthy was not in the position of a claimant seeking to enforce a legal right, and who might therefore employ attorneys upon a contingent fee. His position was more analogous to that of the defendant in Haselton *v.* Miller, reported under the name of Haselton *v.* Sheckells (202 U. S., 71), who had a parcel of real estate which he wished to dispose of to the Government, or like the parties in other cases referred to in that opinion who wished to secure contracts with the Government. In such cases it is well settled that a contract to pay an attorney a contingent fee for securing the contract or the purchase of the plaintiff's property by the Government is void, as against public policy, the reason being that it is of evil tendency in that it naturally tempts the attorney to the use of improper means to accomplish his client's purpose. In the present case, the amount of the contingent fee, $5,000, is so disproportioned to any legitimate legal services to be rendered as to furnish an additional reason for holding the contract to be one of evil tendency. The invalidity of the contract does not depend upon the question the character of the services actually rendered or agreed to be rendered, but results from the fact that its natural tendency is to prompt efforts which are against the public interest. In the Haselton case, the court assumed that the services were legitimate, but struck down the contract for the reason above stated, remarking that the court would not inquire what was actually done, inasmuch as the arrangement "necessarily invited and tended to induce improper solicitations and intensified the inducement by the contingency of the reward."

It is undoubtedly legal for parties to stipulate for a contingent fee to be paid for services in prosecuting a plaintiff's claim against an individual or against the Government, but in such cases the claim is a demand of some matter as of right. The present case does not belong to this class. In the class of cases to which this does belong the plaintiff has a right to employ an attorney to represent him and has a right to pay such an attorney for his services, but he has not a right to do so upon a contingent fee for the reason above stated. The brief filed for the plaintiff proceeds upon the theory that wherever the plaintiff has a right to employ a paid attorney he has a right to engage the attorney upon a contingent fee. A manufacturer would have a right to employ and pay an attorney to appear before a committee of Congress and show such reasons as he could why a certain duty should be imposed upon the class of goods manufactured by his client, but certainly he could not employ the attorney upon a contingent fee. In our view the present case falls within this class.

It may be urged by the plaintiff that judgment can not be rendered against him upon his own motion because the proceedings under the seventy-third rule are merely collateral and are to determine whether or not the plaintiff is entitled to summary judgment. In answer thereto it must be said that the contract in question is illegal. The plaintiff by his motion refers not only to his own declaration, but also to his affidavit in support thereof. As soon as the court perceives the illegal nature of the contract it is in duty bound to dismiss the suit. The plaintiff by his own affidavit puts himself out of court—by his own solemn oath in laying the contract before the eyes of the court. It seems unnecessary to cite authorities in support of such a proposition, but in the case of Oscanyan *v.* Arms Co. (103 U. S., 261) an officer of the Turkish Government was employed on a commission by an American corporation to sell its products to the Turkish Government through his influence with its officials. The nature of the contract appeared upon the opening statement of the plaintiff's counsel to the jury, and the court at once directed a verdict for the defendant. Of that action the Supreme Court says:

"So in a civil action, if it should appear from the opening statement that it is brought to obtain compensation for acts which the law denounces as corrupt and immoral or declares to be criminal * * * the court would not hesitate to close the case without delay."

Later on, in the same case the court says:

"Here the action is upon a contract which, according to the view of the judge who tried the case, was a corrupt one, forbidden by morality and public policy. * * * Assuming for the present that such was a sound view, the objection to a recovery could not be obviated or

waived by any system of pleading, or even by the express stipulation of the parties. It was one which the court itself was bound to raise the interest of the due administration of justice."

In the case of Coppell v. Hall (7 Wall., 542) a suit was brought upon a contract whereby the plaintiff, a neutral, had agreed with the defendant, a citizen of one of the belligerents to protect with his neutral name shipments made by the defendant into the other belligerent State, where trade between citizens of the belligerents was forbidden. In reversing a judgment given in favor of the plaintiff after a waiver by the defendant of the point of illegality, the court said:

"Whenever the illegality appears, whether the evidence comes from one side or the other, the disclosure is fatal to the case. No consent of the defendant can neutralize its effect."

In thus rendering judgment in favor of the defendant, on the motion of the plaintiff under the seventy-third rule, we are not departing from the decisions of the court of appeals in regard to cases arising under said rule, for those decisions were not rendered in cases in which the contract sued upon was illegal from its inception: Lawrence *v.* Hammond (4 D. C. Ap., 467, 473–474; 22 Wash. Law Rep., 749), Bailey *v.* D. C. (4 D. C. Ap., 356, 370; 22 Wash. Law Rep., 735), Booth *v.* Arnold (27 Ap. D. C., 287, 291; 34 Wash. Law Rep., 289), Thompson *v.* Custis (35 D. C. Ap., 247, 250.) In fact, the same court said in Brown v. D. C. (29 Ap. D. C., 273, 281; 35 Wash. Law Rep., 163):

"The opening statement * * * admitted a fact that discharged all possible right of recovery in the action. It was in the interest, therefore, of the speedy administration of justice to act upon the admission when deliberately made and avoid the delay that would be caused by the production of the evidence."

It is unnecessary to pursue the subject further. The plaintiff stating that he can not amend, judgment must be rendered for the defendant. "In pari delicto potior est conditio defendentis."

Mr. JONES. Now, Mr. President, I want to give you some more facts.

Mr. LODGE. Mr. President, will the Senator allow me to ask him a question?

The PRESIDING OFFICER. Does the Senator from Washington yield to the Senator from Massachusetts?

Mr. JONES. Certainly.

Mr. LODGE. Who appoints the excise board that the Senator from Washington is describing?

Mr. JONES. The President appoints them; we provided that in the excise law; but I do not make any reflection on the President. The President appointed these men, and the Antisaloon League examined into the matter as fully as they had an opportunity, and said, while the appointees were not entirely satisfactory, they seemed to be fairly good men. We thought we would get a fairly good administration of the law, but the facts that I have given simply show the influences that this traffic brings to bear upon men who are to administer the law. They show the power of these influences, and they show the ineffectiveness of regulation where you must give discretion to executive officers.

Mr. GALLINGER. Mr. President, with the Senator's permission, I will ask if the President did not appoint two members of that board, and, when their characters were called to his attention, were the names not withdrawn?

Mr. JONES. He did so very promptly; and I wish he had withdrawn the others. I should say that one of the names was withdrawn not because of the character of the appointee, but because he had been a most open and determined opponent of the law.

Mr. SMOOT. Mr. President——

The PRESIDING OFFICER. Does the Senator from Washington yield to the Senator from Utah?

Mr. JONES. Yes.

Mr. SMOOT. I wish to call the Senator's attention to paragraph 12 of the excise liquor law of the District of Columbia, in which I find this provision:

PAR. 12. That any person, company, copartnership, corporation, club, or association manufacturing, selling, offering for sale, keeping for sale, trafficking in, bartering, exchanging for goods, or otherwise furnishing any intoxicating liquors in the District of Columbia, without first having obtained a license as herein provided, or shall manufacture, sell, offer for sale, keep for sale, traffic in, barter, exchange for goods, or give away intoxicating liquors in any part, section, or district of the District of Columbia wherein the same is prohibited by law, upon conviction thereof shall be fined not less than $250 nor more than $800, and in default in the payment of such fine be imprisoned in the District jail or workhouse for not less than two months nor more than six months.

Does the Senator from Washington know whether or not there have been any complaints made against these persons who have obtained licenses contrary to the excise law of the District?

Mr. JONES. I am informed that the office of the corporation counsel say they hope to begin proceedings in four or five or a half dozen of these cases before very long.

Mr. SMOOT. But the Senator does not doubt for a minute that the 62 cases and the 18 cases which he has cited could be prosecuted under paragraph 12 of the law which I have just quoted?

Mr. JONES. No; I do not, and they ought to be prosecuted. It ought to be done promptly, but that is the trouble we have with reference to these regulative measures. Then they have all sorts of defenses under the technical terms of the law which they present, rendering practically inefficient and ineffective a regulative measure which I think is really a model regulative measure.

Mr. CLAPP. I want to say that the committee, of which the Senator was one of the leading forces, were unusually fortunate and farsighted in making it plain that not only would a man be subject to prosecution if he sold without a license, but even if he obtained a license, and the regulative features were ignored, he would be subject to prosecution, so that there is no escape for those who are actually and openly selling contrary to law.

Mr. JONES. Not if we can get them prosecuted.

Mr. President, I want to call your attention to the fact that the excise board has winked at a deliberate evasion of the law, and then I want to ask the Senate whether or not you are going directly or indirectly to appear to indorse the action that was taken in this case?

On Pennsylvania Avenue, or rather on E Street, I believe, right where E Street comes into Pennsylvania Avenue, between Thirteenth and Fourteenth Streets, when the excise law was passed and went into effect there were five saloons. Under the new law only three of those saloons could continue. Two of them, under the terms of the law, had to go out of business. The five saloons there were run by Miller, Gerstenberg, Shoomaker, Engel, and Bush. As I have said, two had to go. This had to be done by the 31st of October. On the 30th day of October the exicse board said that Engel and Miller must go, and directed the assessor to prepare licenses for the other people. On the morning of the 31st of October some authority came from somewhere, some influence came from some source, and Bush had to go and Engel came back. The license of Bush was destroyed, while Engel was granted his license. I should like to know what that influence was. I should like to know where it came from. I should like to know whether it came through a $5,000 attorney fee or whether it came from some other source. I do not know.

But, Mr. President, that is not all. A few days after Mr. Miller closed up his place, what did he do? He applied for a license for a bar in the same building where he had been conducting his business, but as fronting on Fourteenth Street and not on E Street. The license was granted. The entrance on E Street was closed, and an entrance on Fourteenth Street made, and the saloon is now carried on in the same building in the same room, with the bar in the same place where it was before. That may not be a technical violation of the law, although I think it is. But it is worse than a violation of the law. It is a perversion of the law; it is a setting at naught of the plain provisions of the law and the plain intention of Congress.

Mr. President, the conduct of this board has been such as to call forth a letter which, if without foundation, would be one of the most insulting letters that could be sent to an administrative body; but it was sent by a man of responsibility, a man of character, a man of standing, and there has not been any indignation manifested at its contents. I want to read it to the Senate. Here is the letter, dated October 26, 1914, addressed to the honorable the Excise Board, Washington, D. C.:

GENTLEMEN: One of the grave questions confronting us in relation to excise matters in this District is how to justify what has been done when called upon so to do by legally constituted authority or by the citizens of the District of Columbia responsible for the Jones-Works law. In some instances it is respectfully submitted that some of us, though in close touch with the situation and presumed to know, are unable to commend what has been done.

Let me illustrate—

Mr. President, what I am going to read just now is a new fact which I have not presented, but one which can be fully established—

How can we explain why Thomas Raftery was permitted to transfer after the evidence produced before you showed that he had, in fact, paid for the destruction of protests when the law requires you to consider protests? What comment can we make upon the statement made by a member of the board immediately after that evidence was produced in the Raftery case—

That is, evidence showing that he had paid for the destruction of protests—

to the effect "now that you have the evidence what does it amount to? It amounts to nothing."

Mr. President, does it not show something as to the character of the man applying for a license? If he will pay money to have protests destroyed, what is it he will not do in order to accomplish his purposes? And what of an excise board that will countenance such conduct?

After the hearing in the Ebbitt House case, where certain uncontradicted testimony showed a state of affairs shocking to the moral sense, it is said the chairman of your board stated, in substance, what another member said in the Raftery case, and further indicated that such testimony would be given no consideration, to which statement by the chairman Mr. Baker said "Amen, amen!" Are these expressions given at the very time by a majority of the board to be taken as the moral standard of such officials? What other conclusion is possible? If such is the moral standard, what have the various cooperating

forces responsible for the enactment of this law to hope for in its administration?

The Evans Building case will not down—

That is the case where a fee of $5,500 was agreed to be paid—

A prominent citizen, who might in some contingencies have occasion to deal officially upon certain phases of it, in referring to the attorney's fee in that case, said, "The human mind can reach but one conclusion." A prominent lawyer, not identified in any way with the Antisaloon League, spoke to me of excise conditions and referred to them as being a public scandal. He did not specify the particulars, and was not asked for them. In this same case an eminent jurist said, "It was a great mistake to permit that place to have a license." Another eminent jurist here said to me, "It is the utmost folly for the United States to permit saloons to exist." Numerous nonofficial citizens have expressed their views in strong terms in this case. There is not the least doubt the board could have avoided all this comment by refusing the transfer—

They were not compelled to grant a transfer—

The applicant's attitude may be easily surmised. He certainly would not have agreed to pay what he did unless he thought he would get his money's worth. An attorney for the liquor interests recently stated in my office that the attorneys in that case had often done more work for $10 than they did in that case. Then why such fees? Before the transfer was granted, I wrote to you and asked that you investigate. You replied, but you did not investigate, and you did grant the transfer.

There are many other stories of large fees, in some instances much larger than the Evans Building case, and the insinuations are quite as unpleasant.

Then the writer refers in this letter to some of the facts to which I have already alluded in my remarks. I shall not take the time of the Senate to read the remainder of the letter, but will ask that I may put it in the RECORD, remembering that this is a letter addressed to the excise board.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and the permission is granted.

The remainder of the letter is as follows:

Upon what theory can we explain the open bar at 407 Q Street NW., where no license was in existence from March 15, 1914, to June 27, 1914?

How can we explain the apparent attitude that the shortest course of travel is not the most direct route across a public right of way? In the opinion of many a contrary holding would not only be unjustifiable in law but must subject the board to criticism which could be avoided by the board. A contrary holding, in my opinion, would be a violation of the act which you have sworn to support.

In one instance, it is reliably reported, the board took the attitude that Congress had inadvertently omitted to state that clubs could be licensed in residential districts, and that the board would supply the omission.

You had before you an expression of the view of a man whose name the law bears as to the intention of Congress on the question of fire limits in the western section of the city. The ruling was in favor of the liquor interests. There is no law to compel you to grant any license in that disputed zone.

The authors of the law are grievously disappointed because the inspector provided by law has not inspected saloons in the sense in which saloons should be inspected. For this the inspector is not responsible.

We have to deal with a traffic whose attributes are so well known that characterization is useless. Certain evidences have been presented to you. It has been powerful enough to secure the removal of police officers who were not desired and has persistently violated the law.

Upon one occasion, in a statement before the board, I took the liberty of quoting from certain eminent authorities named by me, only to be told a few hours afterwards that a member of the board stated that I certainly did not believe what I had said in that statement. Notwithstanding that experience, I am now going to ask your indulgence while I quote from legal authorities on the rules of construction. I do this because of the importance of the matters before you and because when excise affairs in this District are sifted to the bottom by competent authority, as now seems probable, it may not be said that the rules of statutory construction were not presented to you.

In Heydon's case (3 Rep.) it is stated that it was resolved by the barons of the exchequer as follows:

"For the sure and true interpretation of all statutes in general, be they penal or beneficial, restrictive or enlarging of the common law, four things are to be discerned and considered:

"First. What was the common law before the making of the act?

"Second. What was the mischief and defect for which the common law did not provide?

"Third. What remedy the Parliament hath resolved and appointed to cure the disease of the Commonwealth.

"Fourth. The true reason of the remedy.

"In construing a statute the courts may recur to the history of the times when it was passed in order to ascertain the reason for its passage, as well as the meaning of its provisions." (United States *v.* Union Pacific R. Co., 91 U. S., 72.)

In Platt *v.* Union Pacific Railroad (99 U. S., 48, 64) it was said: "But in endeavoring to ascertain what the Congress of 1862 intended we must, as far as possible, place ourselves in the light that Congress enjoyed, look at things as they appeared to it, and discover its purpose from the language used in connection with the attending circumstances."

In Siemens *v.* Sellers (123 U. S., 276, 285) the court said: "No doubt the words of the law are generally to have a controlling effect upon its construction; but the interpretation of these words is often to be sought from the surrounding circumstances and preceding history."

In the case of the Church of the Holy Trinity *v.* United States (143 U. S., 457–463), Mr. Justice Brewer, in delivering the opinion, said: "Again, another guide to the meaning of a statute is found in the evil which it is designed to remedy; and for this the court properly looks at contemporaneous events, the situation as it existed, and as it was pressed upon the attention of the legislative body. * * * It appears also from the petitions and in the testimony presented before the committees of Congress.

Sincerely, yours, ANDREW WILSON.

Mr. LA FOLLETTE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Washington yield to the Senator from Wisconsin?

Mr. JONES. Certainly.

Mr. LA FOLLETTE. Will the Senator from Washington give us the names of the excise board?

Mr. JONES. There is a Mr. Baker, a Mr. Smith, and Mr. Bride. Those gentlemen compose the board.

Mr. President, a petition or resolution was presented here yesterday from the Chamber of Commerce of the City of Washington protesting against this proposed legislation. What is the ground of their protest? They do not say anything in behalf of the business; they do not say any good word for the business; but what do they say? Oh, they say we ought not to put legislation on an appropriation bill. Since when have they become so interested about putting legislation onto appropriation bills? We have been doing it year after year and we have never heard from them any such protest. Mr. President, how was the passage of this resolution secured? Here is how it was secured: I have the Washington Times giving an account of this matter, and here is the way it reads:

Merchants send protests to Senate. Chamber of Commerce votes against prohibition and similar rider legislation. Members of the Senate to-day received * * * a vigorous protest—

Then the resolution is quoted, and following that occurs the following:

In introducing his resolution Mr. Harvey said—

Mr. Harvey introduced this resolution. Who is Mr. Harvey? Mr. Harvey is the representative of the Retail Liquor Dealers' Association of the United States, located in the city of Washington, and he is the Mr. Harvey whose name I read a moment ago as having secured a liquor license for the running of a saloon less than 400 feet from a church, contrary to the law. He is the spokesman for the chamber of commerce, the respectable business men of the city of Washington. Mr. Harvey appeared before our committee two years ago as the attorney for and as representing the liquor interests. He stayed there every day and every hour and every minute. He is a very affable, a very pleasant, and a very able gentleman. I will say that for him. He holds a liquor license contrary to law. He introduced a resolution in the Chamber of Commerce of the City of Washington; and what does he say when he introduces it? He is quoted as saying this:

The people of the District have not asked for this legislation—

Why, Mr. President, you know and I know that highly respectable, strong, and powerful organizations, as well as citizens of the District of Columbia, have been asking for this legislation for years—

It is being foisted upon us by persons the majority of whom have not a dollar's worth of property in this community. Our interests have not been consulted in any manner.

Why, Mr. President, we have been dealing with their interests for some time.

Mr. WORKS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Washington yield to the Senator from California?

Mr. JONES. Certainly.

Mr. WORKS. I should like to ask the Senator from Washington if he knows how many members of the Washington Chamber of Commerce are engaged in the liquor business?

Mr. JONES. I do not. I do not know what we have a right to assume from this action.

The Jones-Works bill, the present excise measure, has only been in effect a few months—

Says Mr. Harvey—

and consequently has not yet had a fair trial—

Yes; I know it has not had a fair trial. Nobody has done more to prevent its having a fair trial than Mr. Harvey—

Those who are endeavoring to have the law changed are individuals who are anxious to make experiments, and select the District as the place to be experimented with.

Why, Mr. President, that is an insult to the honesty and the intelligence and the sincerity of the Senate and Senators. This is not an experimental station, but this is the place where we ought to put into effect what has been shown to be for the best interests of the people of the country after a trial in many sections of this country. Instead of Washington City being the model after which the rest of the country acts, Washington City, as a matter of fact, simply follows and reflects the consensus of the best sentiment and the best legislation of the country.

Then he says:

This bill, if enacted, most certainly will injure business in this city. The chamber of commerce is a business men's organization, and as such I ask—

Now, notice the dominating attitude of Mr. Harvey—

as such I ask that you vote upon this resolution. I want action, whether it be favorable or not.

He wants action. He is bound to have it. He forced it through. Yet, Mr. President, what are the facts about that? Does this resolution represent the sentiment of the Chamber of Commerce of the District of Columbia?

I am told that the resolution was not offered until after they had held their meeting, it being an annual meeting, and elected their officers and adjourned for lunch, with the understanding that when they came back the choice of officers would be ratified and they would go home, and that, as a matter of fact, when the resolution was presented there were but very few members of the chamber of commerce present. I do not say that is the fact; I do not know whether it is or not; but here is what I saw in the Washington Herald, I presume of the next day, giving an account of the meeting. Listen to what the paper said:

Protest was made against prohibition, the Sheppard rider in the District appropriation bill by which the District would be made dry, and against riders in general at the annual meeting of the chamber of commerce last night.

Patrick T. Moran had been elected president, and Capt. James F. Oyster had moved adjournment when Hugh Harvey rose and offered the resolution.

Several members spoke for and against the resolution. The question was whether the chamber, in protesting against the rider that will be considered by the Senate to-day, should protest also against prohibition. Many members, believing there would be no more business, had left.

There is the account of the meeting in a newspaper, with no reason to mistake the facts. It corroborates what I have been told with reference to the matter.

With reference to Mr. Harvey a little bit further, I have here what was given to me by a very reputable gentleman, who says that it is a correct copy of an extract from a speech made by Mr. Harvey a little over a year ago here in the city of Washington. I want to read it to the Senate simply in order to show you what Mr. Harvey thinks, and the course he thinks ought to be taken in order to promote the welfare of the interests he so ably represents.

This is an address delivered by him before the Wholesale Liquor Dealers' Association at the Willard Hotel. This is what he said:

Here is the place where a national organization ought to see the national men who make the laws. [Applause.] Come here annually; every mother's son of you ought to go up there and see every man you know. Every year when you come here you should come here with all the influence you possibly can. Bring all the names of the people that amount to anything in your district and go and leave them with these men. Let them look forward every year to a visitation from you men.

That does not say to whom he was referring, but I have an idea as to who it was.

Mr. President, the Senator from Oklahoma [Mr. OWEN] has called my attention to a little memorandum in the Liquor Dealer telling who the Washington Mercantile Association are. I think something from them was put in the RECORD yesterday protesting against this proposed legislation. Let us see:

The Washington Mercantile Association.
Office: National Hotel, corner Sixth and Pennsylvania Avenue NW.
* * *
President: William Muehleisen, jobber.
Secretary: Hugh F. Harvey, retailer.
Treasurer: Charles Jacobson, bottler.
Executive committee: Albert Carey, brewer; Joseph Bush, wholesaler; Frank P. Madigan, salesman.

That ought to have a powerful influence in this body. [Laughter.]

Then, Mr. President, I want to insert in the RECORD—I will not take the time to read it—an extract from the Washington Herald under date of November 16, 1913, and other papers. I do not believe, however, I shall ask to have it inserted in the RECORD, but I am just going to put this reference here, so that Senators who may want to read it may do so. At page 6046 of the CONGRESSIONAL RECORD, volume 50, part 6, Sixty-third Congress, first session, under date of November 29, you will find extracts from the leading papers of Washington City giving accounts of a most disgraceful episode in connection with the Ebbitt Hotel, showing violation of the excise law of the District of Columbia. I shall not take the time to read it.

Mr. President, I have presented these facts in the hope that the Senate might see the necessity of legislation of the character proposed, that they might see the futility of a regulative measure in the District of Columbia. That a prohibition law could be enforced here I have absolutely no doubt. If Congress will provide the force and the means to enforce a law providing that this trade shall not be carried on under any circumstances or any conditions, that law will be enforced in the District of Columbia much more effectively than anywhere else in the country, so far as that is concerned. But the question now before the Senate is, Will you permit a vote upon the merits of this question, or will you, under the plea that we must not put legislation on appropriation bills, deny to the Senate itself the right to express its opinion upon this question?

Mr. President, we are legislating every day on appropriation bills. The Post Office appropriation bill has legislation from beginning to end in it now. That bill will come before us. Will we hear any protest from Washington City against putting legislation in that bill? Will we hear anybody on the floor of the Senate protesting against its passage because it carries legislation? In the very bill we have before us now there is legislation. It is absolutely essential, under our system, if we are to get legislation passed, that we shall put it on appropriation bills, not for the purpose of embarrassing those measures but for the purpose of getting them enacted into law.

We have not hesitated in the past to put legislation on appropriation bills even though it might be embarrassing to the Executive. Only two years ago there was placed on the sundry civil bill a rider of the highest importance, to which there was tremendous opposition. I heard nobody on this floor on the other side protesting against it on the ground that it would embarrass the Chief Executive. You sent it to the President. He vetoed it. Then we passed it again with that provision in it.

No, Mr. President; in my judgment there is no excuse for preventing a vote upon the merits of this proposition at this time.

Mr. WORKS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Washington yield to the Senator from California?

Mr. JONES. I do.

Mr. WORKS. I should like to ask the Senator from Washington if the bill he has been talking about, the excise bill, was not enacted in this same way by attaching it to this very same appropriation bill?

Mr. JONES. Yes. The Senator probably was not here, but I described all that in the first part of my remarks. I wish I had had a quorum here when I showed how it was done, but I did not, and I did not ask for a quorum for that purpose.

Mr. President, I am not going to discuss now the merits of the amendment of the Senator from Texas. I am not going to discuss the character of this business. As I said before, nobody has a good word for it. This business is an outlaw by law and in practice. It is declared unlawful, but it is permitted to exist and do business upon certain conditions. These conditions continue from year to year. They may be terminated without ground for complaint and without violating any vested right. It is a business for which no good word can be said. It hides behind respectability to promote its own advantage, but for respectability it has no regard in its hellish and damning influences and effects. It prevents legislation by fair means and foul, and when passed it perverts, violates, and nullifies it. It corrupts officials, debauches attorneys, terrorizes individuals, scoffs at public opinion, commercializes womanhood, blackens character, and undermines society. Such a business can not permanently exist. Its doom is certain. It may not come to-day in the District of Columbia, but just as surely as time rolls on the Capital of this Republic will be free from this curse carried on as a business. Public opinion may move slowly, but it is as inexorable as fate.

Mr. President, in this District the liquor interests have nullified a reasonable regulative measure; and if not to-day in the very near future they will face absolute prohibition.

EMPLOYMENT OF ADDITIONAL CLERK.

Mr. BRYAN. Mr. President, I move to take from the tab'e Order of Business No. 33, being Senate resolution 519.

Mr. SMOOT. I ask that the resolution may be stated.

The PRESIDING OFFICER. The Secretary will state the resolution.

The SECRETARY. Senate resolution 519, authorizing the Committee on Post Offices and Post Roads to employ an additional clerk.

Mr. SMOOT. Is not this the resolution to the consideration of which the Senator from Michigan [Mr. TOWNSEND] objected on yesterday?

Mr. BRISTOW. Mr. President, I will answer the Senator by stating that it is not. This resolution was reported last night in executive session, but the reporters were not here at the time, and it was laid over. It is simply to authorize the Committee on Post Offices and Post Roads to employ a clerk for 30 days in order to help out on some important business during that time.

Mr. SMOOT. I have no objection to the resolution. The only point is, the Senator from Michigan objects to any business being done by unanimous consent as long as we do not have a morning hour.

Mr. BRYAN. Have I not the right to call it up, Mr. President?

Mr. SMOOT. Mr. President——

The PRESIDING OFFICER. The Senator from Florida has the floor. Does he yield to the Senator from Utah?

Mr. BRYAN. I yield to the Senator from Utah.

Mr. SMOOT. A resolution of a similar character was passed a few days ago when the Senator from Michigan was in the Senate, and he did not object. Therefore I shall not object to this; but so far as general legislation of any kind is concerned, I shall object.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

The resolution was read, considered by unanimous consent, and agreed to, as follows:

*Resolved*, That the Committee on Post Offices and Post Roads is hereby authorized to employ an additional clerk for a period of one month at a salary of $75 per month, to be paid out of the contingent fund of the Senate.

PETITIONS AND MEMORIALS.

Mr. GALLINGER presented the petition of Joseph Madden, of Keene, N. H., chairman of the committee on legislation of the Commercial Law League of America, praying for the enactment of legislation for the appointment of official stenographers in all Federal courts, which was referred to the Committee on the Judiciary.

He also presented a petition of Walbridge & Thayer, of Peterboro, N. H., praying for the enactment of legislation to provide for the Federal grading and inspection of grain, which was referred to the Committee on Agriculture and Forestry.

Mr. McLEAN presented a memorial of the Business Men's Association of Hartford, Conn., remonstrating against an investigation as to the preparedness of the United States for war, which was referred to the Committee on Military Affairs.

Mr. POMERENE presented petitions of sundry citizens of Valley City, Wapakoneta, Rawson, Hamler, Alliance, Lima, Irwin, Sandusky, East Akron, Bridgeport, Youngstown, Apple Creek, Dalton, Orrville, Canton, New Richmond, Martins Ferry, and Cleveland; of the German-American Alliance, of Tiffin, representing over 500 members; of St. Joseph's Commandery of the Knights of St. John, of Lorain, representing 54 members; of the German-American Catholic District League, of Cleveland; of sundry citizens of Deshler; of the Catholic Benevolent Mutual Association, of Tiffin; of the German Aid Society, of Tiffin, and of the German Consolidated Newspaper Co., of Cleveland, all in the State of Ohio, praying for the enactment of legislation to prohibit the exportation of ammunition, etc., which were referred to the Committee on Foreign Relations.

He also presented a petition of Local Branch, German-American Alliance, of Lima, Ohio, praying for the enactment of legislation to enable the President to place an embargo upon all contraband of war, with the exception of foodstuffs, which was referred to the Committee on Military Affairs.

REPORTS OF COMMITTEE ON INDIAN AFFAIRS.

Mr. OWEN, from the Committee on Indian Affairs, to which was referred the bill (S. 4602) to pay the balance due the loyal Creek Indians on the award made by the Senate on the 16th day of February, 1903, reported it without amendment and submitted a report (No. 917) thereon.

Mr. CLAPP, from the Committee on Indian Affairs, to which was referred the bill (H. R. 14196) authorizing the Tuscarora Nation of New York Indians to lease or sell the limestone deposits upon their reservation, reported it with amendments and submitted a report (No. 918) thereon.

BILLS INTRODUCED.

Bills were introduced, read the first time and, by unanimous consent, the second time, and referred as follows:

By Mr. NELSON:

A bill (S. 7319) granting certain land to the board of education of the village of Mahnomen, Minn. (with accompanying papers); to the Committee on Public Lands.

By Mr. JONES:

A bill (S. 7320) granting an increase of pension to Mercy A. Martin (with accompanying papers); to the Committee on Pensions.

By Mr. SHIVELY:

A bill (S. 7321) granting a pension to Clara McGaughey;

A bill (S. 7322) granting a pension to Edward H. Baldwin;

A bill (S. 7323) granting an increase of pension to Joseph England;

A bill (S. 7324) granting a pension to John H. Hopewell; and

A bill (S. 7325) granting an increase of pension to William J. Cottrell; to the Committee on Pensions.

By Mr. BURLEIGH:

A bill (S. 7326) granting a pension to Fred Lajoie; to the Committee on Pensions.

By Mr. OWEN:

A bill (S. 7327) granting an increase of pension to Alicen W. Poe (with accompanying papers); to the Committee on Pensions.

AMENDMENT TO POST OFFICE APPROPRIATION BILL.

Mr. JONES submitted an amendment relative to the allowance to be made for third-class post offices having postal-savings deposits exceeding $75,000, etc., intended to be proposed by him to the Post Office appropriation bill (H. R. 19906), which was referred to the Committee on Post Offices and Post Roads and ordered to be printed.

OMNIBUS CLAIMS BILL.

Mr. RANSDELL submitted an amendment intended to be proposed by him to the omnibus claims bill (H. R. 8846), which was ordered to lie on the table and be printed.

THE MERCHANT MARINE.

Mr. JONES submitted an amendment intended to be proposed by him to the bill (S. 6856) to authorize the United States, acting through a shipping board, to subscribe to the capital stock of a corporation to be organized under the laws of the United States or of a State thereof or of the District of Columbia to purchase, construct, equip, maintain, and operate merchant vessels in the foreign trade of the United States, and for other purposes, which was ordered to lie on the table and be printed.

RECESS.

Mr. KERN. I move that the Senate take a recess until 11 o'clock on Monday morning.

The motion was agreed to; and (at 3 o'clock and 50 minutes p. m., Saturday, January 16, 1915) the Senate took a recess until Monday, January 18, 1915, at 11 o'clock a. m.

## HOUSE OF REPRESENTATIVES.

SATURDAY, *January 16, 1915.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

O Thou who art the Creator, upholder and sustainer of all things, and who in Thy providence dost mark the sparrow's fall, be graciously near to Thy children everywhere, especially to those who are in distress and sorrow; alleviate their distress and comfort them in their sorrows. So move upon the hearts of the leaders of men throughout the world that they may devise ways and means for the betterment of conditions in all the walks of life; that wars may cease and peace and happiness fill every home. And to Thee we will give all praise, in His name. Amen.

The Journal of the proceedings of yesterday was read and approved.

THE LATE SENATOR BACON.

Mr. BARTLETT. Mr. Speaker, I ask unanimous consent that the date of January 24, 1915, set apart in the House for eulogies on the life, character, and public services of the late Senator AUGUSTUS O. BACON, of Georgia, be changed to February 21, 1915, on account of the fact that gentlemen who expected to be present can not be present on the day that has been set.

The SPEAKER. The gentleman from Georgia asks unanimous consent that the order for eulogies on the late Senator BACON for the 24th of January be vacated, and that Sunday, February 21, be set apart instead. Is there objection?

There was no objection.

NAVAL APPROPRIATION BILL.

Mr. PADGETT, from the Committee on Naval Affairs, reported the bill (H. R. 20975) making appropriations for the naval service for the fiscal year ending June 30, 1916, which, with accompanying report (No. 1287), was referred to the Committee of the Whole House on the state of the Union and ordered printed.

Mr. BUTLER. Mr. Speaker, I reserve all points of order on the bill.

Mr. MADDEN. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER. The gentleman from Illinois [Mr. MADDEN] raises the point of order that there is no quorum present, and evidently there is not.